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ACTS

AND

LAWS

PASSED BY THE

LEGISLATURE

OF THE

State of Vermont,

AT THEIR SESSION AT

WESTMINSTER,

In October, 1803.

WINDSOR:

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1803.

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ACTS AND LAWS.

Chapter 1.

An Act empowering the Executors of *Peleg Sanford*, late of *New-Haven* deceased, to sell certain lands.

WHEREAS it appears by the last Will and Testament of Peleg Sanford, *late of the City of* New-Haven, *in the State of Connecticut, deceased, merchant, in company with* Timothy Phelps, *of said* New-Haven, *that it was his desire that his Executors should sell and convey all his partnership property.*

And whereas it is represented to the Legislature, that said Sanford *and* Phelps *claim certain lands and tenements, as tenants in common, in the townships of* Woodbury *and* Holland, *in this State; and the Executors of said* Sanford, *have petitioned the Legislature to pass an act enabling them to sell and convey said lands, either by themselves, or their Attorney,* Timothy Phelps *of said* New-Haven, *Merchant*—Therefore, Preamble.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That *Nathan Beers, Stephen Alling* and *Elias Shipman*, executors of the last will and Executors of Peleg Sanford to sell and convey Real Estate.

teſtament of *Peleg Sanford*, late of the City and County of *New-Haven*, and State of Connecticut, Merchant, deceaſed, be, and they are hereby fully authoriſed and empowered, to ſell and convey all the real eſtate held by the ſaid *Peleg Sanford* in his life time, in common, or in partnerſhip with *Timothy Phelps*, of ſaid city of *New-Haven*, in either of ſaid towns of *Woodbury* or *Holland*, either by conveyance executed by themſelves, or by their Attorney *Timothy Phelps* aforeſaid; which conveyance ſhall be as good and valid in law, to paſs the ſaid lands, as if executed by the ſaid *Peleg Sanford*, in his life time.

Paſſed October 18th, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 2.

An Act aſſeſſing a Tax of Three Cents per acre on *Londonderry*, and *Aiken's Gore*, ſo called.

Land Tax on Londonderry, and Aiken's Gore.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a Tax of Three Cents per acre on all the lands in *Londonderry* and in *Aiken's Gore*, ſo called, in the County of Windham (public lands excepted) for the purpoſe of making and repairing Roads, and building Bridges in ſaid

Town and Gore; to be expended under the direction of *Samuel Arnold*, *Samuel Thompson* and *Arington Gibson*, all of said *Londonderry*, who are hereby appointed a Committee to superintend the collection and expenditure of said Tax. And any Justice of the Peace within and for the said County of Windham, is hereby authorised and directed to issue his warrant to *Rufus Thayer* of said *Londonderry*, who is hereby appointed a Collector to collect said Tax. And said Committee and Collector are hereby directed, in the collection, expenditure, and accounting for the monies to be raised by said Tax, to govern themselves, in all things, conformably to the general statutes of this State, in that case made and provided.

Passed October 25, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 3.

An act laying a tax of Two Cents per acre on the town of *Craftsbury*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of two cents per acre on all the lands in the town of Craftsbury, in the county of Orleans, public lands excepted, for the pur-

Craftsbury land Tax.

poſe of making and repairing roads and building bridges in ſaid town, to be expended under the direction of Joſeph Scott, James Paddock, and Royal Corbin, of ſaid town, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any juſtice of the peace, within and for the county of Orleans, is hereby authoriſed to iſſue his warrant to Nathan Groſvenor, of ſaid Craftſbury, to collect ſaid tax. And ſaid collector is hereby made accountable to the ſaid committee for the amount of ſaid tax. And ſaid committee and collector are hereby directed to govern themſelves in all things, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, conformably to the directions of the general ſtatutes of this ſtate, in that caſe made and provided.

Paſſed October 26, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 4.

An act altering the name of the Town of *Miſſiſkouie*.

Name of Miſſiſkouie altered to that of Troy.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That, hereafter, the town of *Miſſiſkouie*, in the

county of *Orleans*, shall be called and known by the name of *Troy*.

Provided nevertheless, That in all advertisements for the sale of lands, for taxes, in said town, the said town for the term of three years from the passing of this act, shall be called and known by the name of *Troy*, late *Missiskouie*. Proviso.

Passed October 26, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 5.

An Act laying a Tax of Three Cents per acre on the town of *Salem*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a Tax of Three Cents per acre on all the lands in the township of Salem, in the County of Orleans, public lands excepted, for the purpose of making and repairing roads, and building bridges in said Town, to be expended under the direction of Ebenezer Strong of Danville, Ephraim Blake of Salem, and Jehiel Boardman of Derby, who are hereby appointed a Committee to superintend the expenditure of said Tax. And any Justice of the Peace, within & for the County of Orleans, is hereby empow- Salem land Tax.

ered and directed to iſſue his warrent to Jonathan Allyn, of Barton, who is hereby appoined a Collector to collect ſaid tax. And the ſaid Collector and Committee are hereby directed, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to govern themſelves, in all things, by the directions of the general ſtatutes of this ſtate, in that caſe made and provided.

Paſſed October 26, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 6.

An act directing the Treaſurer to cancel and deliver to STEPHEN JACOB, a certain ſecurity.

Preamble.

WHEREAS Stephen Jacob, *of* Windſor, *has petitioned this Legiſlature to grant him ſuch relief as they think reaſonable, for injuries he has ſuſtained by becoming bail for a late ſheriff of the county of* Windſor, *who has become inſolvent, and for whoſe defaults he gave ſecurity to the Treaſury of the State, for the payment of two ſeveral ſums; one of ſaid ſecurities for the ſum of nine hundred and fifty ſeven dollars and ſixty four cents, with intereſt, which ſaid ſum and intereſt he hath ſince paid and diſcharged: and the*

other, for the ſum of four hundred and one dollars and thirty cents, on intereſt. And whereas it appears, by the report of a committee on ſaid petition, that relief ought to be granted, to a certain extent.

IT *is hereby enacted by the* General *Aſſembly of the State of Vermont,* That the Treaſurer be, and he hereby is directed to cancel and deliver to the ſaid *Stephen Jacob,* the ſecurity for the ſaid laſt mentioned ſum of four hundred and one dollars and thirty cents, on receiving the ſum of the principal thereof. *Provided* the ſaid principal ſum be paid and ſatisfied by the twenty fourth day of November, in the preſent year.

Treaſurer directed to cancel and deliver to S. Jacob, a certain Note.

Proviſo.

Paſſed October 26, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 7.

An act laying a tax of Six Cents per acre on the town of *St. George.*

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That there be, and hereby is laid a tax of Six Cents per acre, on all the lands of *St. George,* in the County of *Chittenden,* public lands excepted, for the purpoſe of making and repairing the highways, and

Land tax on St. George.

of building bridges in ſaid town, to be expended under the direction of *Daniel Iſham, Elnathan Higbee,* & *Eliphalet Holbrook,* who are hereby appointed a Committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Chittenden*, is hereby authoriſed and directed to iſſue his warrant to *Etibu Allen*, of *Williſton*, who is hereby appointed a Collector to collect ſaid tax. And ſaid committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to conform themſelves, in all things, to the directions of the ſtatutes of this State, in that caſe made and provided.

Paſſed October 26, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 8.

An act laying a tax of Four Cents per acre on the *North Diſtrict* in the town of *Wardſborough.*

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of four Cents per acre on all the lands in the *North Diſtrict* in the town of *Wardſborough*, in the county of *Windham*, public

Wardſborough N. Diſtrict land tax.

lands excepted, for the purpoſe of repairing roads and building bridges in ſaid diſtrict, to be expended under the direction of *Daniel Reed*, *Abner Holbrook*, and *Samuel Kelly*, who are hereby appointed a Committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of Windham, is hereby authoriſed and directed, to iſſue his warrant to *Parley Fairbank* of ſaid diſtrict, who is hereby appointed a collector, to collect ſaid tax. And the ſaid committee and collector are hereby directed to govern themſelves, in all things, in the collection, expenditure and accounting for the monies to be raiſed by ſaid tax, conformably to the ſtatutes of this State, in that caſe made and provided.

Paſſed October 26, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 9.

An Act directing the Treaſurer of this State to credit the firſt conſtable of *Shelburne*, the ſum therein mentioned.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Treaſurer of this State be, and he is hereby directed to credit the town of *Shelburne, nineteen dollars and forty-ſeven cents*,

Treaſurer to credit the town of Shelburne.

which the firſt conſtable of the ſaid town is liable to pay into the treaſury, more than the true tax of ſaid town, on the ſtate tax of one thouſand eight hundred and two; in conſequence of the liſters making a miſtake in the General Liſt of ſaid town, for the year aforeſaid.

Paſſed October 27, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 10.

An act authoriſing the collection of a land tax in *Topſham.*

Preamble.

Whereas it has been repreſented to this Aſſembly, by Aaron Bagley *and others, a committee, appointed to ſuperintend the laying out a tax on the lands in* Topſham, *laid by the Legiſlature of this State, at their ſeſſion in October, one thouſand eight hundred, for the purpoſe of making and repairing roads in ſaid town, that they employed a ſuitable perſon to have ſaid tax, and the time appointed to do the work, adverti ſed in the ſeveral newſpapers required by law; that, ſuppoſing the ſame was duly notified, they proceeded to have the tax worked out, as the law directs; but have ſince found that the advertiſement was inſerted in the* Windſor *paper only; whereby they are liable*

to lose the labor, which they faithfully performed for the benefit of the inhabitants and proprietors of said town; who have also signified the same by their vote. And said committee have further petitioned for relief in the premises; which appearing reasonable,

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the said committee have liberty to present their accounts, with the usual proof of the work or labor done on the roads in said *Topsham*, to the judges of the county court of the county of *Orange*, at one of their stated or adjourned terms; whose duty it shall be, to receive and examine the same; and if they are satisfied by the oath of one or more of said committee, that the said work or labor was faithfully done and performed, on the public roads laid out according to law, or under the direction of said committee, they shall approve the account; which shall be filed and lodged in the county clerk's office; which being done, the collector of said tax is hereby authorised to proceed in the collection of the same by advertising, and sale of the lands of delinquents, under the same regulations, and to the same effect, as if no defect in the proceedings of the committee had taken place.

Judge of Orange county court to examine & allow the accounts of a committee on a land tax in Topsham.

Collector to proceed in the collection of said tax.

Passed October 27th, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 11.

An act eſtabliſhing the proprietors proceedings, and draft of the allotment, in the townſhip of *Montgomery*.

Preamble.

WHEREAS the field book and ſurvey of the townſhip of Montgomery, *in the county of Franklin, and ſtate of Vermont, by reaſon of the inaccuracy of the ſurveyor, who alloted the ſame, was found to be unequal and incorrect; and the proprietors by a new ſurvey of the ſeveral lots, as formerly ſurveyed, and drawn, have equalized the ſaid lots, ſo as to do juſtice to each proprietor: And whereas ſome of the proceedings of the proprietors in the firſt ſurvey and allotment of ſaid townſhip are not to be found:* Therefore, to prevent diſputes concerning the ſame,

Proceedings of the proprietors of the town of Montgomery, made valid.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the ſurvey, draft and field book of the townſhip of *Montgomery*, in the county of *Franklin*, and State aforeſaid, as corrected, ſurveyed and returned by *John Safford*, and voted and accepted by the proprietors of ſaid *Montgomery*, on the fourth day of October, A. D. one thouſand eight hundred and three, ſhall hereafter be conſidered, uſed and eſtabliſhed as the ſurvey, draft and allotment of the ſaid townſhip of *Montgomery*, in as full and as ample a manner, as to the evidence of the allot-

ment, draft and ſurvey of ſaid townſhip, as the firſt draft and allotment of ſaid townſhip would have been, had the ſame been correct, and ſhall be good and valid in law, any law, uſage or cuſtom to the contrary notwithſtanding.

Paſſed October 27th, 1803.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 12.

An act diſcharging *Jedidiah* and *Ebenezer Durfey* and others, from a certain note.

Whereas it appears reaſonable to this Aſſembly that Jedidiah Durfey *and* Ebenezer Durfey, Simon Chaſe, Samuel Eaſtman, *and* Samuel Foot, *all of the county of* Addiſon, *ſhould be releaſed and diſcharged from one certain note, by them executed to the treaſurer of this ſtate, which note was taken and received by* Daniel Chipman, *Eſq. ſtate's attorney, for the county of* Addiſon, *on which note, the ſaid* Daniel Chipman, *ſtate's Attorney as aforeſaid, commenced a ſuit for the recovery of the ſame, which ſuit is now pending before the honorable ſupreme court, in ſaid county of* Addiſon— Preamble.

Therefore,

IT *is hereby enacted by the General Aſſembly of the ſtate of Vermont*, That

Jedidiah & Ebenezer Durfey, &c. discharged from the payment of a certain note.

the said *Jedidiah* and *Ebenezer Durfey*, *Simon Chase*, *Samuel Eastman*, and *Samuel Foot*, be, and they are hereby released and discharged from said note, and from the payment thereof. And that they, or either of them may at any time hereafter, plead this act, in the suit aforesaid, now pending before the supreme court aforesaid, in the county of *Addison* aforesaid, in discharge of said suit.

Passed October 27th, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 13.

An act in addition to an act entitled "An act in addition to an act entitled An act directing the organization of the county of *Essex*," passed October, A. D. one thousand eight hundred and one.

Preamble.

WHEREAS, by said act, it is found that the repeal of that part of the former act, establishing courts at Lunenburgh, *was, by mistake, omitted*—Therefore,

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That from and after the passing of this act, the county courts, within and for the county of *Essex*, shall be holden at *Guildhall*, at the

same times at which they are now by law directed to be holden, at *Guildhall* and *Lunenburgh*, in said county.—And that all suits and processes, made returnable, or which may hereafter be made returnable before the next session of said court, at *Lunenburgh*, shall and may be returned and entered on the docket of said court at *Guildhall* aforesaid, and the same proceedings had thereon, as if originally made returnable to said court at *Guildhall*.

Essex County courts to be holden at Guildhall in lieu of Lunenburgh.

SEC. 2. *And it is hereby further enacted*, That that part of the aforesaid act, which directs the court to be holden at *Lunenburgh*, be, and the same is hereby repealed.

Part of former act repealed.

Passed October 27, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 14.

An act for the relief of *Jonathan Armstrong*.

WHEREAS Jonathan Armstrong *of* Dorset, *in the county of* Bennington, *did execute to the Treasurer of this State, his certain note of hand, to discharge one* James Richmond, *convicted for horse-stealing, in said county, from the amount of the fine and costs against the said* Richmond, *in said case, being a fine of fifty*

Preamble.

dollars, and coſts taxed at twelve dollars, dated the third day of July, A. D. one thouſand ſeven hundred and ninety-nine; and had therefor aſſigned to him the body of the ſaid Richmond, *in ſervice, until the ſum of ſaid note ſhould be paid and ſatisfied to the ſaid* Armſtrong, *out of the ſame. And whereas it appears that the ſaid* Richmond *did, immediately after his enlargement, eſcape and depart from the ſaid* Armſtrong, *and he has, in conſequence thereof, received no compenſation, or conſideration, for ſaid note.* Now therefore, to relieve the ſaid *Armſtrong*—

State's Attorney for Bennington county directed to deliver to Jona. Armſtrong, a certain note.

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the State's attorney, within and for the county of *Bennington*, who holds the ſaid note, be, and he is hereby directed to diſcharge and deliver the ſame to the ſaid *Armſtrong*. *Provided* the ſaid *Armſtrong* pay to him the amount of the coſts of proſecution againſt ſaid *Richmond*, as aforeſaid.

Paſſed October 27th, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 15.

An act in addition to an act entitled "*An act in addition to an act aſſeſſing a tax*

of one cent per acre on the town of Middlesex, *in the county of* Chittenden, *passed October, A. D. one thousand seven hundred and ninety-nine,*" passed November 3d, A. D. one thousand eight hundred and two.

WHEREAS it appears, that since the first survey of the roads in said town, on which it was intended to expend the monies arising from said tax, such alterations have been made in the settlement of said town, as rendered it useful to the inhabitants and land-owners of said town, to expend a part of said tax on roads not surveyed or contemplated by the first committee appointed to superintend the expenditure of said tax. And that, by a mistake of the committee, appointed on said tax, in November, A. D. one thousand eight hundred and two, a part of said tax has not been expended on said roads, according to law and the intention of said committee. And that said committee have also omitted to exhibit to the county court of said county of Chittenden, *a part of the labor and expence actually performed and incurred, on said tax*—Therefore,

Preamble.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That all proceedings hereafter had, done and suffered, in the collection of the tax aforesaid, shall have the same effect, as though

Proceedings of a committee on a land tax on Middlesex, made legal.

the whole of ſaid tax had been expended on the roads, at firſt ſurveyed, by ſaid firſt mentioned committee; and the expenditure of ſaid tax ſhall be deemed as legal as if the ſame had been expended on roads ſurveyed according to law.

SEC. 2. *And it is hereby further enacted*, That ſaid committee be, and they are hereby authoriſed and directed immediately, or as ſoon as may be, to expend the reſidue of ſaid tax, not heretofore expended, according to law; and exhibit their account thereof to the judges of the ſaid county court, who are hereby authoriſed and directed, whenever called on for that purpoſe, to allow ſuch account, the ſame being properly authenticated, in the ſame manner as though ſaid court were in actual ſeſſion at a ſtated term of ſaid court.

Judges of Chittenden county court directed to allow their accounts.

Paſſed October 27th, 1803.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 16.

An act laying a tax of four cents per acre, on the town of *Jamaica*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of Four Cents per acre, on all the lands in the town of *Jamaica*, in the county of *Wind-*

ham, public lands excepted, for the purpoſe of building a bridge over Weſt-River, in ſaid town, at ſuch place as the inhabitants of ſaid town ſhall direct; to be expended under the direction of *Benjamin Muzzy*, *Zelotes Skinner* & *Rice Harrington*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Windham*, is hereby authoriſed to iſſue his warrant to *Amos Howard* the ſecond, who is hereby appointed a Collector to collect ſaid tax. And the ſaid committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies raiſed by ſaid tax, to govern themſelves, in all things, conformably to the general ſtatutes of this State, in that caſe made and provided.

Jamaica land tax.

Paſſed October 28, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 17.

An act ſuſpending ſuits againſt *Charles Ellis*, junior, for the term of five years.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That all ſuits at law, for the recovery of any debt, now exiſting againſt *Charles Ellis*,

junior, of *Woodſtock*, in the county of *Windſor*, be, and they are hereby ſuſpended, for the term of five years, from the paſſing of this act. And if any ſuit ſhall hereafter be commenced, or brought to trial againſt the ſaid *Ellis*, upon any contract now exiſting, until the expiration of the ſaid term of five years, the ſame, on motion, ſhall abate. And no execution ſhall iſſue againſt ſaid *Ellis*, on any judgment now rendered, or which may be rendered on a contract now exiſting, or againſt his property, until the expiration of ſaid term of five years, but the ſame ſhall remain ſuſpended, during ſaid term. And if the ſaid *Ellis* ſhall be a priſoner, by virtue of any ſuch execution, during ſaid term, the jailer who ſhall hold him a priſoner as aforeſaid, ſhall forthwith diſcharge him, for which this act ſhall be his ſufficient warrant. *Provided nevertheleſs*, that this act ſhall not take effect, until the ſaid *Ellis*, ſhall have given a bond, with ſurety, to the acceptance of one of the judges of *Windſor* county court, conditioned that ſaid *Ellis* ſhall not waſte his property, during ſaid term; which bond ſhall be made payable to the clerk of ſaid *Windſor* county court, or his ſucceſſors in office, for the benefit of the creditors of the ſaid *Ellis*. *Provided alſo*, that this act ſhall not extend to prevent a recovery, in an action now pending in the ſupreme court, in ſaid *Windſor* county, in favor of *Amos Carryl*, and againſt ſaid *Ellis*, on

Suits ſuſpended againſt C. Ellis, jun. five years.

No execution to iſſue againſt ſaid Ellis.

Proviſo.

Second proviſo.

which property hath been attached: nor to prevent the levying, upon property so attached, as aforesaid, any execution which may issue upon the judgment which may be rendered, in said action.

Passed October 28, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 18.

An act laying a tax of Two Cents on the acre on the town of *Enosburgh.*

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of two cents per acre on all the lands in the township of *Enosburgh*, in the county of *Franklin*, public lands excepted, for the purpose of making and repairing the post road, and building bridges thereon, through said town; to be expended under the direction of *Amos Fassett*, *Nathaniel Griswold* and *Stephen House*, all of said *Enosburgh*, in said county, who are hereby appointed a Committee to superintend the expenditure and collection of the same. And any Justice of the Peace in the said County of *Franklin*, is hereby authorised to issue his warrant to *Charles Safford*, of said *Enosburgh*, who is hereby appointed a Collector to collect said Tax.

Enosburgh land tax.

And ſaid collector is hereby made accountable to ſaid committee for the amount of ſaid tax. And ſaid committee and collector are hereby directed, in the collection, expenditure and accounting for the monies raiſed by ſaid tax, to govern themſelves, in all things, conformably to the general ſtatutes of this State, in that caſe made and provided.

Paſſed October 29, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 19.

An act to eſtabliſh the records and proceedings of the inhabitants of *Coventry*, in organizing ſaid town.

Preamble.

Whereas Luther Chapin, *one of the Juſtices of the Peace, within and for the county of* Orleans, *iſſued his warrant to the inhabitants of the town of* Coventry, *in ſaid county, dated the eleventh day of March, A. D. one thouſand eight hundred and three, warning the ſaid inhabitants to meet at the dwelling houſe of* Samuel Cobb, *in ſaid* Coventry, *on the thirtyfirſt day of March, then inſtant, for the purpoſe of organizing ſaid town, by chooſing town-officers. And whereas the ſaid Juſtice was unable to attend, to*

preſide in ſaid meeting, as the law directs, by reaſon of ſickneſs; and Samuel Huntington, *another of the Juſtices of the Peace, within and for the county aforeſaid, did attend, and preſide in ſaid meeting, in the room of the juſtice aforementioned, until a Moderator was choſen.*— And as a doubt hath ariſen, whether ſaid meeting was ſtrictly legal,

IT *is hereby enacted by the General Aſſembly of the ſtate of Vermont,* That the doings, records and proceedings of the inhabitants of the ſaid town of *Coventry*, on the thirtyfirſt day of March, in the preſent year, ſhall, to all intents and purpoſes, be as good and valid in law, and the ſaid town is hereby declared to be as legally organized, as if the Juſtice, firſt above mentioned, had preſided.

Records and proceedings of Coventry legalized.

Paſſed October 29th, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 20.

An act incorporating the *Gore*, hereinaftermentioned, into a townſhip, by the name of *Bradley-Vale.*

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the tract, or gore of land, lying in the county of *Caledonia*, and bounded by the

Bradley-Vale incorporated.

towns of *Victory*, *Hopkinsville* and *Concord*, and granted to *Thomas Pearsall*, by chatter bearing date the twenty-seventh day of January, one thousand seven hundred and ninety-one, be, and the same is hereby incorporated into a townſhip, by the name of *Bradley-Vale*; with all the rights, privileges and immunities enjoyed by other towns in this ſtate; except ſo far as may relate to the right of repreſentation.

Paſſed October 29, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 21.

An act laying a tax of Two Cents per acre on *Bakersfield*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of two cents per acre on all the lands in the townſhip of *Bakersfield*, in the county of *Franklin*, public lands excepted, for the purpoſe of making and repairing roads and building bridges in ſaid town, to be expended under the direction of *Jonas Brigham*, *Jeremiah Pratt*, and *Joſeph Barrett*, who are hereby appointed a committee to ſuperintend the collection and expenditure of ſaid tax. And any Juſtice of the Peace,

Bakersfield land tax.

within and for the county of *Franklin*, is hereby authoriſed to iſſue his warrant, to *Joel Webſter* of ſaid *Bakerſfield*, who is hereby appointed the collector to collect ſaid tax. And ſaid committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to govern themſelves in all things, conformably to the general ſtatutes of this ſtate, in that caſe made and provided.

Paſſed October 29, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 22.

An act confirming the records of the town of *Bridport*.

WHEREAS it is made to appear to this Legiſlature that, at an early period of the ſettlement of the townſhip of Bridport, *in the county of* Addiſon, *bound books for the purpoſe of entering records, were difficult to be obtained; and that the town clerk did make an entry of about one hundred and ſixty pages, on ſheets of paper, ſewed together for that purpoſe. And the inhabitants of ſaid town, viewing it of great importance to preſerve entire the title to their landed property, the old* Preamble.

book being much ſhattered, have procured a bound book, and cauſed the ſame to be entered, verbatim; and have prayed this Legiſlature to eſtabliſh and confirm ſaid bound book to be the firſt book of records of ſaid town—Which prayer appearing reaſonable: Therefore,

SECTION 1.

Bridport records as tranſcribed made legal.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That from and after the paſſing of this act, the firſt book of the record of deeds, in the town of *Bridport*, as tranſcribed into a bound book, procured for that purpoſe, which bound book containeth all the deeds and records of the ſaid firſt book, ſhall forever hereafter be conſidered, allowed, deſignated and known as the firſt book of the record of deeds, in the town of *Bridport*. And all copies taken from the ſaid bound book, certified in the uſual form, ſhall be allowed and read as evidence, in tracing or defending a title to landed property, in all courts of law and equity, in this State.

Copies from ſaid records may be read as evidence.

SEC. 2. *And it is hereby further enacted*, That all deeds, and other papers tranſcribed into the bound book, as aforeſaid, from ſaid firſt book of records, ſhall be conſidered and allowed as a true record of the ſame, as fully and amply as though they had been originally recorded therein; and the title to landed property as

Conſidered as true records.

fully eſtabliſhed, any law, uſage or cuſtom to the contrary notwithſtanding.

Paſſed October 29th, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 23.

An act laying a tax of One and an half Cent per acre on the town of *Rocheſter.*

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of one and an half cent per acre on all the lands in the townſhip of *Rocheſter*, in the county of *Windſor*, public lands excepted, for the purpoſe of making and repairing roads, and building bridges in ſaid town; to be expended under the direction of *Iſaac Putnam*, *Robert Claflin*, *Henry Sparhawk*, *John Emerſon* and *Oliver Maſon*, who are hereby appointed a Committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Windſor*, is hereby authoriſed and directed to iſſue his warrant to *Henry Sparhawk*, of ſaid *Rocheſter*, who is hereby appointed a collector to collect ſaid tax. And ſaid committee and collector are hereby directed, in the collection, expenditure and accounting for the monies

Rocheſter land tax.

to be raiſed by ſaid tax, to conform themſelves, in all things, to the directions and proviſions of the general ſtatutes of this State, in that caſe made and provided.

Paſſed October 29th, 1803.

A true Copy,

Attest, DAVID WING, Jun. *Secretary*.

Chapter 24.

An act laying a tax of three cents per acre, on the town of *Guildhall*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre, on all the lands in the townſhip of *Guildhall*, in the county of *Eſſex*, public lands excepted, for the purpoſe of making and repairing roads and building bridges in ſaid town; to be expended under the direction of *Samuel Howe*, *Charles Cutler* and *Calvin Perkins*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Eſſex*, is hereby authoriſed and directed to iſſue his warrant to *Theophilus Cutler*, who is hereby appointed a Collector to collect ſaid tax. And the ſaid committee and collector are hereby directed, in the collection, expending, and accounting for the monies to be

Guildhall land tax.

raiſed by ſaid tax, to govern themſelves, in all things, conformably to the general ſtatutes of this State, in that caſe made and provided.

Paſſed October 29, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 25.

An act in addition to, and in alteration of an act, entitled "*An act laying a tax of two cents per acre on the townſhip of* Mountholly.

WHEREAS the Legiſlature, at their ſeſſion in October, A. D. 1800, *paſſed an act granting a tax of two cents on the acre, on the townſhip of* Mount-holly: *And whereas the committee appointed by ſaid act, to ſuperintend the expenditure of ſaid tax, neglected to advertiſe the ſame, according to law.*—Therefore, Preamble.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That *Reuel Todd*, *John Crawley* and *Abner Willſon*, be, and they are hereby appointed a Committee to ſuperintend the expenditure of ſaid tax. And they are hereby directed to proceed and advertiſe the ſame according to law; under the ſame reſtric- New committee to expend a land tax on Mount-holly.

tions, and in the ſame manner as was provided by the act of which this is an alteration; and the ſaid *Jedidiah Hammond* is hereby appointed a Collector, authoriſed and accountable as preſcribed in ſaid act.

Collector.

SEC. 2. *And it is hereby further enacted*, That any of the inhabitants of ſaid town of *Mount-holly*, ſhall have the privilege of applying to the Judges of the Supreme Court, who are hereby empowered to appoint a new committee, to ſurvey the county road, through ſaid town, previous to the expenditure of ſaid tax. And the ſaid tax ſhall be expended and laid out on the road ſo laid out and ſurveyed by ſuch committee. And the expence of ſuch application, and the laying out of ſaid road, ſhall be paid by the perſon ſo applying.

Supr. Court empowered to appoint a committee to lay a road.

Expence of ſaid committee, how paid.

SEC. 3. *And it is hereby further enacted*, That any perſon, wiſhing to redeem lands, ſold at vendue in purſuance of this act, ſhall have liberty to make out a ſurvey of the ſame; and ſuch ſurvey being entered on the collector's books, and the money being paid on the ſame, according to the exiſting laws of this ſtate, ſhall forever clear the lands contained in ſuch ſurvey, from ſuch tax.

Paſſed October 31, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 26.

An act eſtabliſhing the Flag of the Militia of this State.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That from and after the firſt day of May, A. D. one thouſand eight hundred and four, the Flag of this State be *ſeventeen Stripes*, alternate red and white; that the union be *ſeventeen States*, white, in a blue field, with the word VERMONT in Capitals above the ſaid Stripes and Stars. Militia Flag deſignated.

Paſſed October 31, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 27.

An act laying a tax on the Proprietors of *Topſham*.

WHEREAS the proprietors of the townſhip of Topſham, *in the County of* Orange, *have by their petition to the Legiſlature, ſet forth that the proprietors have been ſubjected to great expence in proſecuting and defending ſuits at law, authoriſed by the propriety, with intent to aſcertain the boundary between ſaid town and* Newbury. *That they have voted to raiſe ſix hundred dollars, to de-* Preamble.

fray the charges aforeſaid, and the coſts of dividing ſaid townſhip into ſeveralty, and other incidental expences. That the ſaid townſhip, being thus in ſeveralty, they were not duly authoriſed, in law, to levy and collect ſaid tax, on the ſame; and have requeſted an act levying a tax, and appointing a collector to collect the ſame.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of ſeven dollars on each proprietor's right of land in *Topſham*, in the county of *Orange*, public rights excepted, for the purpoſe aforeſaid. And that *Ben. Porter*, Eſquire, of *Newbury*, in ſaid county, be, and he is hereby appointed collector of the ſame. Which ſaid collector is hereby directed to publiſh ſaid tax, three weeks ſucceſſively, in the following newſpapers, publiſhed within this ſtate, to wit, the *Rutland Herald*, the *Vermont Journal*, and the *Weekly Wanderer*. And in caſe any part of ſaid tax ſhall be unpaid, thirty days after the laſt time of ſuch publication, it ſhall be the duty of ſuch collector to publiſh, in the ſame papers, and for the time aforeſaid, the names of the proprietors thus delinquent, with the ſums reſpectively due; and therein give notice, that a neceſſary proportion of ſuch delinquents lands will be ſold at public vendue, at a time and place therein mentioned, not leſs than

Proprietors of Topſham taxed.

Collectors duty.

twenty, nor more than fifty days, from the laſt time of ſuch publication, unleſs ſuch tax, with coſts, be ſooner paid. And if any part of ſaid tax ſhall then remain unpaid, ſaid collector ſhall proceed to ſell, at public vendue, ſo much of ſaid delinquents lands, as will pay ſaid tax, with coſts; including the expence of the laſt advertiſement, and of ſaid vendue. And at the expiration of one year, from the time of ſuch ſale, the ſaid collector ſhall execute a deed or deeds, to the purchaſer or purchaſers of the lands ſo by him ſold; unleſs the owner of ſuch lands ſhall, within one year from the time of ſuch ſale, tender or pay to ſaid collector, the full ſum of money for which ſuch lands were ſold, with the coſts ariſing thereon, and twelve per cent intereſt. And in ſuch caſe, no deed ſhall be executed by ſaid collector, of the lands ſo redeemed; and nothing ſhall paſs by ſuch ſale. And the ſaid collector is hereby made accountable to the proprietors for the diſcharge of his duty, in collecting and paying the ſaid tax into their treaſury.

Provided always, That any ſale of land by the collector under this act, ſhall in no wiſe affect the title of any perſon, who has purchaſed a certain part only, of any lot in ſuch manner as would not entitle him to act as a proprietor in ſaid town. Proviſo.

Paſſed October 31, 1803.

A true Copy.

Atteſt, DAVID WING, JUN. *Secretary*.

Chapter 28.

An act in addition to, and in alteration of an act, entitled "*An act for the punishment of certain capital, and other high crimes, and misdemeanors.*"

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That if any woman shall be privately delivered of a child, (which if born alive would by law be a bastard) and such child be found dead; if any presumptive evidence shall appear that such issue was born alive, and came to its death by the premeditated and wilful neglect, violence, or procurement of the mother; such mother, so offending, on conviction thereof, before the Supreme Court, shall be fined, not exceeding five hundred dollars, and imprisoned, or confined to hard labour, not exceeding two years; or one, or all of the above punishments at the discretion of the supreme court, according to the nature and aggravation of the offence.

Women privately delivered of bastard children how punished.

SEC. 2. *And it is hereby further enacted*, That if any woman shall have been indicted, for the murder of any such child so found dead, and on trial before a traverse jury, the evidence in the opinion of such jury, shall not be sufficient to prove the crime of Murder, it shall be lawful for the jury to acquit such woman on the indictment

Women indicted for murdering bastard children when evidence is not sufficient to convict of murder may be convicted of a high misdemeanor.

for Murder, and may, if the evidence be ſufficient, find her guilty of a high miſdemeanor, agreeably to the firſt ſection of this act: and, on conviction, ſhe ſhall ſuffer at the diſcretion of the ſupreme court, as before directed in this act.

SEC. 3. *And it is hereby further enacted*, That the fifth ſection of the act entitled, "*An act for the puniſhment of certain capital and other high crimes and miſdemeanors*," be, and the ſame is hereby repealed. Repealing clauſe.

Paſſed October 31, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 29.

An act laying a tax of Three Cents per acre on the town of *Winhall*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre, on all the lands in the townſhip of *Winhall*, in the county of *Bennington*, public lands excepted, for the purpoſe of making and repairing roads and building bridges in ſaid town; ſeventy dollars of ſaid tax to be laid out and expended on the road leading from *Atwood's*, in ſaid *Winhall* to *Bromley* line; and the whole to be expended under the Winhall land tax.

direction of *Ruſſell Day*, *Aſa Bebee*, *jun.* and *Jonathan Sprague*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Bennington*, is hereby authoriſed to iſſue his warrant to *Jacob Hale*, of ſaid *Winhall*, who is hereby appointed a Collector to collect ſaid tax. And ſaid committee and collector are hereby directed to govern themſelves, in all things, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, conformably to the general ſtatutes of this State, in that caſe made and provided.

Paſſed October 31, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 30.

An act freeing the body of TIMOTHY CLEMENTS from arreſt.

SECTION 1.

The body of Timothy Clements freed from arreſt during his life.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the body of *Timothy Clements*, of *Rocheſter*, in the county of *Windſor*, be, and the ſame is hereby freed from arreſt, or impriſonment, from, or on account of, any civil proceſs, or execution, for and during the term of his natural life.

SEC. 2. *And it is hereby further enacted*, by the authority aforesaid, that the persons who were bail for the remaining of the said *Timothy Clements*, within the liberties of the prison in *Woodstock*, in the county of *Windsor*, at the time the said *Clements* obtained an act of suspension in his favor for five years, be, and they are hereby exonerated from all liability; and the going at large of the said *Timothy Clements*, shall in no case be considered or adjudged an escape, to charge the sheriff of said *Windsor* county, or any of the bail of the said *Clements*, for the liberties of the prison, aforesaid: and this act may be given in evidence, or plead in bar, in any action charging such escape.

His bail exonerated.

SEC. 3. *And it is hereby further enacted*, That all rents and profits, of any estate, now holden by the said *Timothy Clements*, by lease, shall be free from attachment, and execution, during the natural life of the said *Timothy*.

Rents & profits of Estate holden by lease free from attachment, &c.

Passed November 1, 1803.

A true Copy,
Attest, DAVID WING, Jun. *Secretary*.

Chapter 31.

An act laying a tax of three cents per acre, on the town of *Georgia*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That

there be, and hereby is laid a tax of three cents per acre on all the lands in the town of *Georgia*, in the county of *Franklin*, public lands excepted, for the purpose of making and repairing roads, and building bridges in said town; to be expended in the following manner, to wit: one third part of the monies arising from said tax, to be applied to the building a bridge over the river *La-Moille*; and the other two third parts, upon the roads in said town generally, under the direction of *Bohan Shepard*, *Jonathan Danforth*, and *James Hotchkiss*, who are hereby appointed a Committee to superintend the expenditure of said tax. And any Justice of the Peace, within and for the county of *Franklin*, is hereby authorised to issue his warrant to *Benjamin Holmes*, of said *Georgia*, who is hereby appointed a collector to collect said tax. And said committee and collector are hereby directed, in the collection, expenditure and accounting for the monies to be raised by said tax, to govern themselves, in all things, conformably to the statutes of this State, in that case made and provided.

Georgia land tax.

Passed November 2, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 32.

An act empowering the towns of *Whitingham* and *Wilmington*, to incorporate

part of ſaid towns into one ſchool diſtrict.

WHEREAS it is repreſented that it would be of advantage to certain inhabitants of the north-eaſt corner of the town of Whitingham, *and ſouth-eaſt corner of the town of* Wilmington, *to be incorporated into one entire ſchool diſtrict—* Preamble.

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the ſaid towns of *Whitingham* and *Wilmington*, ſhall have power, at any legal meetings, duly notified for the purpoſe, to incorporate ſuch part of the ſaid two towns, into one entire ſchool diſtrict, as they ſhall ſee fit. And ſuch diſtrict, when ſo incorporated, ſhall have, hold and enjoy, all the powers and privileges that ſchool diſtricts have, which are incorporated by the general ſtatutes of this ſtate. Part of Wilington to be annexed to part of Whitingham for ſchool purpoſes.

Paſſed November 2, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 33.

An act altering the times of holding the County Courts, in the counties of *Chittenden* and *Addiſon*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the ſtate of Vermont*, That

Chittenden County Courts, when holden.

hereafter, the county court in the county of *Chittenden*, ſhall be holden on the laſt Monday ſave two, in February, and the laſt Monday ſave two, in September, annually. And the county court, in the county of *Addiſon*, ſhall hereafter be holden, on the laſt Monday in September, and laſt Monday in February, annually; any law, uſage or cuſtom to the contrary notwithſtanding.

Addiſon County Court, when holden.

SEC. 2. *And it is hereby further enacted*, That all ſuits and cauſes, of whatever name or nature, now pending before ſaid courts, ſhall be determined by ſaid courts, at the times herein before mentioned, in the ſame manner they would have been, had they been made returnable before ſaid courts at the times herein before mentioned.

Time when this act is to take effect.

Provided, neverthelefs, That this act ſhall not take effect, and be in force, until the firſt day of May next.

Paſſed November 2, 1803.

A true Copy.

Attеſt, DAVID WING, Jun. *Secretary.*

Chapter 34.

An act laying a tax of Three Cents per acre on all the lands in the town of *Cavendiſh*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the town of *Cavendish*, in the county of *Windsor*, public lands excepted, for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of *Benjamin Spalding*, *Abel Baldwin* and *Randall Lovel*, who are hereby appointed a Committee to superintend the expenditure of said tax. And any Justice of the Peace, within and for the county of *Windsor*, is hereby authorised to issue his warrant to *Leonard Proctor*, junior, of said *Cavendish*, who is hereby appointed a collector to collect said tax. And said committee and collector are hereby directed, in the collection, expenditure and accounting for the monies to be raised by said tax, to conform themselves, in all things, to the general statutes of this State, in that case made and provided.

Cavendish land tax.

Passed November 2, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 35.

An act reviving an act, laying a land tax on *Milton*.

Preamble.

WHEREAS a failure took place in the legality of an advertiſement, by the committee appointed in an by an act, entitled, "An act laying a tax of two cents per acre on the town of *Milton,*" *paſſed the eleventh day of November, A. D. one thouſand eight hundred and two.*

Milton land tax revived.

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the act before mentioned, be, and the ſame is hereby revived, and put into force and virtue, in all its appointments and proviſions, in the ſame manner, and to the ſame extent, as if it had paſſed at the preſent ſeſſion of the Legiſlature.

Paſſed November 2, 1803.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 36.

An act altering the name of *Henry Stephen Hall,* to that of *Gardner Chandler Hall.*

Preamble.

WHEREAS George H. Hall, *of* Brattleborough, *in the county of* Windham, *parent and natural guardian to* Henry Stephen Hall, *has petitioned this Legiſlature to alter the name of the ſaid* Henry Stephen Hall, *to that of* Gardner Chandler Hall.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the said *Henry Stephen*, shall, and may hereafter be known and called by the name of *Gardner Chandler Hall*, in all cases, the same as if his name had been originally, *Gardner Chandler Hall*.

Henry S. Hall's name altered to Gardner C. Hall

Passed November 2, 1803.

A true Copy.

Attest, DAVID WINE, Jun. *Secretary*.

Chapter 37.

An act authorising the annexing of two certain school districts.

WHEREAS it is represented to this Assembly, that it would be advantageous to the inhabitants of the towns of Salisbury *and* Leicester, *to annex a small part of the south-west school district in* Salisbury, *to the north-west school district in* Leicester—Therefore,

Preamble.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the inhabitants of the said two school districts, at their legal meetings are hereby authorised and empowered, to agree on such part of the said south-west district in *Salisbury*, as they shall think fit, to be set off to the said north-west district in *Leicester*. And when such agreement shall have

Part of Salisbury to be annexed to part of Leicester, for school purposes.

been made, and recorded by the respective district clerks, the inhabitants of said district in *Leicester*, and the inhabitants of said district in *Salisbury*, so annexed, shall, to all purposes, be one entire school district as fully as though said district was in one entire town. And the property of said inhabitants, lying in the town in which they reside, or in said district, shall be subject to school taxes in said district.

Passed November 2, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 38.

An act empowering *Sarah Ingram*, administratrix on the estate of *Robert Ingram*, deceased, to deed certain lands.

Preamble.

WHEREAS it appears to this Legislature, that Robert Ingram, *late of* Washington, *in the county of* Orange, *deceased, in his life time, together with* John Ingram, *of the same* Washington, *were seized and possessed, as tenants in common, of an equal and undivided right, of one hundred acres of land, lying in said* Washington, *being part of the third division lot, originally laid out to* Comfort Severs.—*That, in order the more effectually to secure and vest the title of said land in them,*

the said Robert *and* John, *they permitted the same to be sold for taxes and deeded to said* Robert, *under the express agreement that the said* Robert *should deed the one half of said land to the said* John; *but, by reason of the death of said* Robert, *such conveyance was not made; and the said* John *must lose the same, unless aided by the Legislature*—Therefore,

IT *is hereby enacted by the General Assembly of the State of Vermont*, That *Sarah Ingram*, administratrix on the estate of *Robert Ingram*, late of *Washington*, deceased, as aforesaid, be, and she is hereby authorised and directed, in her said capacity, to make and execute to *John Ingram*, of said *Washington*, his heirs and assignees, a deed of the one half of that part of the third division lot of land, lying in *Washington* aforesaid, originally laid out to *Comfort Severs*, of which the said *Robert* died seized, by virtue of a vendue deed, which he acquired of said land, when the same was sold for taxes. And the deed so executed by said *Sarah*, of the said premises, shall be as good and valid in law, to all intents and purposes, as if it had been executed by the said *Robert*, in his life time, any law, usage or custom to the contrary notwithstanding.

Sarah Ingram directed to deed to John Ingram certain lands.

Passed November 2, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 39.

An act laying a tax of three cents per acre on *Lincoln*, and one cent per acre on *Avery's Gore*, in the county of *Addiſon*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the townſhip of *Lincoln*, and one cent per acre on all the lands in *Avery's Gore*, ſo called, the ſaid town and Gore both ſituated in the county of *Addiſon*, (public lands excepted). To be expended for the making of a road and building bridges thereon, to wit, the public road, lately laid out by order of the Legiſlature, beginning at *Berkſhire*, in the county of *Franklin*, and terminating at *Pittsford*, in the county of *Rutland*, within the ſaid town and *Gore*, in the following manner, to wit, all the monies raiſed by ſaid tax on the lands within the ſaid town of *Lincoln*, to be expended on the ſaid road within the ſaid town; and all the monies raiſed by ſaid tax on the lands of ſaid *Gore*, to be expended on ſaid road within the limits of ſaid *Gore*, under the direction of *Ebenezer Durſey*, *Nathan Hoag* and *Jonathan Preſton*, who are hereby appointed a Committee to ſuperintend the collection and expenditure of ſaid tax, as it relateth to the *Gore*, as well as to the ſaid town of

Land tax on Lincoln and Avery's Gore.

Lincoln. And any Juſtice of the Peace, within and for the ſaid county of *Addiſon*, is hereby authoriſed to iſſue his warrant to *Jonathan Gove*, of ſaid *Lincoln*, who is hereby appointed a Collector to collect ſaid tax; as it relateth to the ſaid *Gore*, as well as to the ſaid town of *Lincoln*. And the ſaid committee and collector are hereby directed in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to govern themſelves, in all things, by the ſtatutes of this State, in that caſe made and provided.

Paſſed November 2, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 40.

An act directing the Treaſurer of this State to credit the town of *Putney* the ſum therein mentioned.

WHEREAS it appears to this Aſſembly, that, by a miſtake of the liſters, the town of Putney *was aſſeſſed, in the ſtate tax granted for the year one thouſand eight hundred and two, the ſum of twenty-one dollars and ſixty-eight cents more than their juſt proportion of ſaid tax*— Preamble.

Therefore,

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That

Treaſurer directed to credit the town of Putney dls. 21 68

the Treaſurer of this State be, and he is hereby directed, to credit the town of *Putney* the aforeſaid ſum of twenty-one dollars and ſixty-eight cents, on the aforeſaid tax.

Paſſed November 2, 1803

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 41.

An act directing the recording of warrants and proceedings of ſheriffs, in certain caſes.

SECTION 1.

Clerks of county courts directed to record warrants.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the clerks of the ſeveral county courts in this State, as ſoon as may be, procure and record, in the records for deeds, in their reſpective counties, at the expence of this State, the warrants under which the ſheriffs have ſold lands, lying in ſuch counties, for the payment of taxes. And alſo,

Sales and proceedings of Sheriff's.

procure and record, as aforeſaid, the ſales and other proceedings of the ſaid ſheriffs, under the ſame warrants.

Copies from ſuch records to be read in evidence.

SEC. 2. *And it is hereby further enacted*, That ſuch warrants, ſales and other proceedings, being recorded, in the records for deeds, in the county clerk's office, of the county in which ſuch lands ſhall be

situate, certified copies from such records may be read in evidence, in any court in this State; and have the same weight, as the original warrant, sales, or other proceedings.

Sec. 3. *Provided always, and it is hereby further enacted*, That no records shall be made, by virtue of this act, in cases where provision hath heretofore been made, by law, for the recording, in such offices, such warrants, sales, and proceedings. Proviso.

Passed November 2, 1803.

A true Copy.

Attest, David Wing, Jun. *Secretary*.

Chapter 42.

An act granting a new trial to *Ebenezer Allen*.

WHEREAS the Legislature of this state, at their session in Burlington, *A. D. one thousand eight hundred and two, passed an act, granting to* Ebenezer Allen, *a new trial, in an action tried between* Stephen Pearl, *plaintiff, and the said* Ebenezer *defendant, before the supreme court of judicature, holden, by adjournment, at* Burlington, *within and for the county of* Chittenden, *in the month of June, one thousand eight hundred. And it having been made to appear to this* Preamble.

Legiſlature, that the ſaid Ebenezer Allen *hath loſt the benefit of ſaid act, in conſequence of his not being able to obtain a copy of ſaid act ſeaſonably, from the ſecretary's office, on account of the abſence of the ſecretary, at the time ſaid* Allen *applied for the ſame; in conſequence whereof, ſaid cauſe was not tried before ſaid ſupreme court; but was diſmiſſed from the docket of the court.*—To the end, therefore, that ſaid *Allen* may now be entitled to the benefit of ſaid act,

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the clerk of ſaid Supreme Court, within and for ſaid county, be, and he is hereby directed to enter the ſaid action anew, on the docket of ſaid court, at their ſeſſion in January next; and, that a new trial be had, in the ſame manner as though no judgment had ever been had and rendered thereon, in ſaid Supreme Court of Judicature. *Provided*, That the ſaid *Ebenezer Allen* ſhall notify the ſaid *Stephen Pearl* thereof, by cauſing a true and atteſted copy of this act, to be delivered to the ſaid *Stephen*, at leaſt twelve days previous to the ſitting of ſaid court.

New trial granted to Ebenezer Allen.

Proviſo.

Paſſed November 2, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 43.

An act supplementary to the several acts defining the powers of the Justices of the Peace, within this state.

SECTION 1.

IT *is hereby enacted by the General Assembly of the state of Vermont*, That any Justice of the Peace, within his jurisdiction, is authorised to hear and determine any plea or action founded on promissory note, given for more than fifty three dollars, if it shall appear, by the plaintiff's declaration, or the endorsement or endorsements on such note, that the sum remaining due thereon, does not exceed the said sum of fifty three dollars.

Justices of Peace, their jurisdiction respecting notes of hand.

SEC. 2. *And it is hereby further enacted*, That every Justice of the Peace, within his jurisdiction, is hereby authorised to hear and determine all pleas and actions, founded on judgment recovered in any court within this state, when the same with the interest due thereon, shall not exceed the sum of fifty three dollars; and to hear and to determine, as aforesaid, on all foreign judgments, to the amount of thirty three dollars.

On judgment.

SEC. 3. *And it is hereby further enacted*, That in all causes cognizable, and brought before any Justice of the Peace, to recover the forfeiture annexed to any articles of agreement, covenant, bond, bond of re-

cognizance with a condition thereto annexed, contract, or ſpecialty, where the forfeiture, breach, or non-performance ſhall appear, by verdict of a jury, or by the default, or confeſſion of the defendant, or upon demurer, or judgment of ſuch juſtice, the juſtice before whom the action is pending, is hereby authoriſed and empower to moderate the rigor of the common law, and render judgment thereon, for the plaintiff to recover ſo much as is due according to equity and good conſcience, and award execution accordingly. And when the ſum for which judgment ſhall be rendered, is uncertain, the ſame ſhall, on requeſt of either party, be tried by a jury.

Juſtices of peace power to chancer bonds &c.

SEC. 4. *And it is hereby further enacted*, That whenever any action on book account ſhall be pending before any juſtice of the peace; or when any account proper to be plead in offset, ſhall be plead, the juſtice ſhall have power to enquire on oath of the parties, as well of the plaintiff or plaintiffs, as of the defendant or defendants, relative to their reſpective accounts.

May enquire on oath reſpecting book acc'ts.

SEC. 5. *And it is hereby further enacted*, That no court ſhall be appointed, to be holden before a juſtice of the peace, for trial of any civil cauſe or action, at an earlier hour than nine in the forenoon, nor at a later than ſix in the afternoon; nor ſhall any default be taken, until two hours after the time ſet for trial; nor ſhall any

Hours when juſtices of the peace may try civil actions.

plaintiff be ſuffered to enter his action after the expiration of two hours from the time ſet in his writ for trial, unleſs by the conſent of the defendant; which conſent ſhall be entered on the records of ſaid juſtice.

SEC. 6. *Provided nevertheleſs, and it is hereby further enacted*, That this act ſhall not be in force, or have effect, until the firſt day of April next.

Time when this act ſhall be in force.

Paſſed November 3, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 44.

An act directing the Treaſurer of the State of *Vermont*, to pay to *Aſa Smith*, the ſum of money therein mentioned.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Treaſurer of this State be, and he is hereby directed to pay to *Aſa Smith*, the ſum of three hundred and ninety-five dollars, and thirty-eight cents; being the principal and intereſt received by this government, of the ſaid *Aſa Smith*, in the year one thouſand ſeven hundred and ſeventy-nine, in full ſatisfaction of all claims and demands the ſaid *Aſa* may have upon this ſtate, ariſing upon the failure of a certain contract made by him with *James*

Treaſurer directed to pay Aſa Smith 395 38.

Claghorn, commissioner of confiscation, on the fifteenth day of April, A. D. one thousand seven hundred and seventy-nine.

Passed November 3, 1803.

A true Copy,

Attest, DAVID WING, Jun. *Secretary*.

Chapter 45.

An act directing the Treasurer of this State to pay to *Levi Thatcher*, the sum therein mentioned.

Treasurer directed to pay Levi Thatcher dls. 74.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the Treasurer of this State, be, and he is hereby directed to pay to *Levi Thatcher*, of *Williston*, in the county of *Chittenden*, the sum of seventy-four dollars; it being a compensation for three acres and three quarters of an acre of land, cut off from the farm of the said *Levi*, by the line lately established between this state and the state of *New-York*.

Passed November 3, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 46.

An act directing the Treasurer to credit

the First Constable of *Westminster*, the sum therein mentioned.

IT *is hereby enacted by the General Assembly of the State of Verment*, That the Treasurer of this state be, and he is hereby directed to credit the First Constable of the town of *Westminster*, on the State tax, of one thousand eight hundred and two, the sum of four dollars and fifty-one cents, being the sum which he is obliged to pay, more than the just proportion of said town, on said tax, occasioned by an error of the listers.

Treasurer directed to credit the first constable of Westminster dls. 4 51.

Passed November 3, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 47.

An act granting to *Lemuel Dickerman*, a new trial.

WHEREAS it has been made to appear to this Legislature, that, in a certain action of ejectment, wherein Jonathan R. Hale, *of* Chesterfield, *in the county of* Cheshire, *and state of* New Hampshire, *is plaintiff, and* Lemuel Dickerman, *of* Brattleborough *in the county of* Windham, *is defendant, was heard and tried, before the supreme court of judicature, at their term, at* Newfane, *within and for*

Preamble.

the county of Windham, *on the first Tuesday of August, Anno Domini, one thousand eight hundred and three; when final judgment, in said action, was rendered in favour of said plaintiff; and it being made to appear to this legislature, that said* Lemuel Dickerman *ought to have a further hearing, in said action, or cause*—

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the clerk of the said supreme court of judicature of said county of *Windham*, be, and he is hereby directed, to enter the said action of ejectment anew, on the docket of said court, at their session next to be holden, within and for said county of *Windham*. And that a new trial in said action be had, in the same manner as if no judgment had ever been had or rendered thereon, in said supreme court.

New trial granted to Lemuel Dickerman.

SEC. 2. *Provided nevertheless, and it is hereby further enacted*, That the said *Lemuel Dickerman* shall notify said *Jonathan R. Hale* thereof, by causing a true and attested copy of this act to be delivered to the said *Jonathan R. Hale*, at least twelve days previous to the sitting of said next session of the said supreme court, in said county of *Windham*.

Proviso.

SEC. 3. *And it is hereby further enacted*, That all proceedings under the judgment, so rendered in favour of said *Jonathan R.*

Proceedings stayed.

State, shall be stayed, until the final decision of said supreme court, under the new trial, in and by this act directed.

Passed November 3, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 48.

An act laying a tax of three cents per acre on the town of *Kingston*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the township of *Kingston*, in the county of *Addison*, public lands excepted, for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of *Joseph Patrick*, *Abraham Parker*, and *Lemuel Cone*, all of said *Kingston*, who are hereby appointed a Committee to superintend the expenditure of said tax. And any Justice of the Peace, within and for the county of *Addison*, is hereby authorised and directed to issue his warrant to *Newman Scarlett*, who is hereby appointed a collector to collect said tax. And the said committee and collector are hereby directed, in the collection, expenditure and accounting for the monies to be raised by said tax, to

Kingston land tax.

conform themſelves, in all things, to the directions of the general ſtatutes of this State, in that behalf made and provided.

Paſſed November 4, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 49.

An act to repeal part of an act, entitled "*An act eſtabliſhing the lines of the towns of* Berkſhire, Enoſburgh, Richford, Montgomery, Jay, *and* Weſtfield, *and directing the ſale of a Gore of land between* Enoſburgh *and* Montgomery, Berkſhire *and* Richford," paſſed the tenth day of November, A. D. one thouſand eight hundred and two.

Part of an act repealed.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the ſaid act, ſo far as it relates to the ſaid towns of *Berkſhire* and *Richford*, be, and the ſame is hereby repealed. And that the governor of this ſtate be, and he is hereby directed not to iſſue any charter, or patent, to any perſon, or perſons, for any of the ſuppoſed ſurpluſs lands in the ſaid town of *Berkſhire*.

Paſſed November 4, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 50.

An act directing the Treaſurer to pay to *James Whitelaw*, Eſquire, the ſum therein mentioned.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the treaſurer of this ſtate be, and he is hereby directed to pay to *James Whitelaw*, Eſq. the ſum of one hundred and thirty-three dollars and ſixteen cents, it being in full, for the expences incurred in aſcertaining the ſurplus lands, in the townſhips of *Berkſhire* and *Enoſburgh*.

Treaſurer directed to pay J. Whitelaw dlls 133 16.

Paſſed November 5, 1803.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 51.

An act in addition to, and alteration of an act entitled "*An act in addition to an act entitled "An act directing the publication of advertiſements in the newſpapers therein mentioned*," paſſed the fifth day of November, A. D. one thouſand ſeven hundred and ninety-nine.

WHEREAS, ſince the paſſing of the aforeſaid act a newſpaper has been eſtabliſhed in the town of Middlebury, *in the county of* Addiſon, *bearing the title of the* MIDDLEBURY MERCURY.

Preamble.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That from and after the first day of January next, all advertisements for warning proprietors meetings, and for the sale of lands, by proprietors collectors, and all other collectors of land taxes, and committees, for notifying land owners to work out road taxes, and of giving notice to land owners that application will be made to the Legislature for taxes, when the lands lie in the county of *Addison*, shall, in addition to their being published in the *Rutland Herald*, printed in *Rutland*, and in the *Vermont Journal*, printed in *Windsor*, be published in the *Middlebury Mercury*, printed in *Middlebury*.

Advertisements to be published in the Middlebury Mercury.

Passed November 5, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 52.

An act laying a tax of two cents per acre on the town of *Mansfield*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of two cents per acre, on all the lands in the township of *Mansfield*, in the county of *Chittenden*, public lands excepted, for the purpose of making a public road through

Mansfield land tax.

ſaid town, leading from *Middleſex* to *Cambridge*; to be expended under the direction of *Moſes Luce*, *Iſaac Chamberlin*, and *David Moody*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Chittenden*, is hereby authoriſed and directed, to iſſue his warrant to *Thaddeus Tuttle*, who is hereby appointed a collector to collect ſaid tax. And ſaid committee and collector, are hereby directed, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to conform themſelves, in all things, to the directions of the general ſtatutes of this ſtate, in that behalf made and provided.

Paſſed November 5, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 53.

An act laying a tax of two cents per acre on the town of *Sterling*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of two cents per acre on all the lands in the townſhip of *Sterling*, in the county of *Franklin*, public lands excepted, for the purpoſe of making a public road through

Sterling land tax.

ſaid town, leading from *Middleſex* to *Cambridge*; to be expended under the direction of *Solomon Walbridge*, *William McAllaſter*, and *Moſes Vilas*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any juſtice of the peace, within and for the county of *Franklin*, is hereby authoriſed and directed to iſſue his warrant to *Thomas Taylor*, of *Wolcott*, who is hereby appointed a collector to collect ſaid tax. And ſaid committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to conform themſelves in all things, to the directions of the general ſtatutes of this ſtate, in that behalf made and provided.

Paſſed November 5, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 54.

An act laying a tax of three cents per acre on the town of *Plymouth*.

Plymouth land tax.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be and hereby is laid a tax of three cents per acre on all the lands in the town of *Plymouth*, in the county of *Windſor*,

public lands excepted, for the purpose of making and repairing roads and building bridges in said town, to be expended in the following way and manner, to wit, one third part of the monies arising from said tax to be applied to the clearing out a new road, to be laid leading by *John Taylor's* up Black River, to the North line of said town, on a course leading to *Sherburne*; and the other two thirds to be laid out on the roads in said town, as the committee appointed to superintend shall think proper; under the direction of *Asa Briggs*, *William Slack* and *Paul Sawyer*, who are hereby appointed a committee to superintend the collection and expenditure of said tax. And any justice of the peace, within and for the county of *Windsor*, is hereby authorised to issue his warrant to *Samuel Cook* of said *Plymouth*, who is hereby appointed a collector to collect said tax. And said committee and collector are hereby directed in the collection, expenditure and accounting for the monies to be raised by said tax, to govern themselves in all things conformably to the statutes of this state, in that case made and provided.

Passed November 7, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 55.

An act laying a tax of two cents per acre on the town of *Woodbury*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of two cents per acre, on all the lands in the townſhip of *Woodbury*, in the county of *Caledonia*, public lands excepted, for the purpoſe of making and repairing roads and building bridges in ſaid town; to be expended under the direction of *Daniel Smith* and *William Weſt*, of ſaid *Woodbury*, and *Enoch Hoit*, of *Cabot*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Caledonia*, is hereby authoriſed and directed to iſſue his warrant to *Joſeph Fiſher* of *Cabot*, in ſaid county, who is hereby appointed a collector to collect the ſame. And the ſaid collector and committee are hereby directed in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to govern themſelves in all things, by the directions of the general ſtatutes of this State, in that behalf provided.

Woodbury land tax.

Paſſed November 7, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 56.

An act directing the Treaſurer of this State to credit the Firſt Conſtable of *Hartford* the ſum therein mentioned.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Treaſurer of this State be, and he is hereby directed to credit the town of *Hartford*, forty-eight dollars, which the firſt conſtable of the ſaid town is liable to pay into the treaſury, more than the true tax of ſaid town, on the ſtate tax of one thouſand eight hundred and two; in conſequence of the liſters making a miſtake, in the general liſt of ſaid town, for the year aforeſaid.

Treaſurer directed to credit the town of Hartford 48 dollars.

Paſſed November 7, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 57.

An act laying a tax of four cents per acre on the townſhip of *Navy*.

IT *is hereby enacted by the General Aſſembly of the ſtate of Vermont*, That there be, and hereby is aſſeſſed a tax of four cents per acre, on all the lands in the townſhip of *Navy*, in the county of *Orleans*, public lands excepted, for the purpoſe of

Navy land tax.

making roads and building bridges, in the ſaid townſhip; to be expended under the direction of *Jonathan Allyn*, *Andrew McGaffey*, and *Iſaac Hinman*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax — And any juſtice of the peace, within and for the county of *Orleans*, is hereby authoriſed and directed to iſſue his warrant to *Abner Allyn*, junior, of ſaid *Navy*, who is hereby appointed a collector to collect ſaid tax. And ſaid committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to conform themſelves in all things, to the directions of the general ſtatutes of this ſtate, in that behalf made and provided.

Paſſed November 7, 1803.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 58.

An act altering the name of *Harwich*, in the county of *Rutland*, to that of *Mount-Tabor*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the name of the ſaid town of *Harwich*,

be, and hereby is altered to that of *Mount-Tabor*, by which laſt mentioned name the ſaid town ſhall forever hereafter be known and called.

Name of Harwich altered to that of Mount-Taber.

SEC. 2. *And it is hereby further enacted*, That in all publications and advertiſements, affecting in any wiſe the landed property of ſaid town, they ſhall run, and be publiſhed, *Mount-Tabor*, late *Harwich*, for the ſpace of four years from and after the paſſing of this act.

Paſſed November 7, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 59.

An act relating to the Jail in *Vergennes*, in the county of *Addiſon*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That whenever any writ, proceſs, warrant, or execution, iſſuing under the authority of this State, ſhall be directed to any officer, or indifferent perſon, in the county of *Addiſon*, by which it ſhall become his duty to commit the perſon, or perſons therein named, to the county jail, in ſaid county; and ſuch officer, or indifferent perſon ſhall find, that the perſon or perſons

Sheriff's &c. to commit certain perſons to the jail in Vergennes.

named in such precept, shall be confined in the jail in the city of *Vergennes*, or legally bailed within the liberties thereof, it shall be the duty of such officer, or indifferent person, to commit such person or persons (so committed on bail) to the jail in the city of Vergennes. And it is hereby made the duty of the keeper of the said jail, to receive such person, or persons, within said prison; any law, usage or custom to the contrary notwithstanding.

City and city sheriff accountable for escapes.

SEC. 2. *And it is hereby further enacted*, That the sheriff of said city, shall, so far as respects such person, or persons, so committed, be governed, in all things, by the laws directing county sheriffs in their office and duty. And such person or persons so committed, shall be subject to all the restraints, and entitled to all the privileges, to which persons confined in county jails, are by law, in like cases, entitled. And the said city, and sheriff of said city, shall, in all things, be accountable for escapes, in the same manner as counties and county sheriffs are by law accountable.

Prisoners in no case to be removed from Vergennes jail and liberties.

SEC. 3. *And it is hereby further enacted*, That no officer, or indifferent person, whatever, shall remove any person, committed to jail in *Vergennes*, or who shall be bailed within the liberties thereof, by virtue of any process whatever: except by habeas corpus, legally issued.

Passed November 8, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 60.

An act laying a Tax on the ſeveral towns herein after mentioned.

SECTION. 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is aſſeſſed a tax of two cents per acre on all the lands in the town of *Shelden*—three cents per acre on all the lands in the town of *Berkſhire*—one cent per acre on all the lands in the town of *Enoſburgh*—and one cent per acre on all the lands in the town of *Richford*, all in the county of *Franklin*, (the public lands in each of ſaid towns excepted) for the purpoſe of making and repairing the county road paſſing through ſaid towns, and building bridges thereon; the monies raiſed on each of ſaid towns, to be expended in the town in which it is to be collected, under the direction of *Alfred Keith*, *Jedidiah Clark*, junior, of *Shelden*, *Amherſt Willoby*, of *Berkſhire*, *Martin D. Follet*, of *Enoſburgh*, and *Joſeph Parker*, of *Richford*, who are hereby appointed a Committee in each of ſaid towns, to ſuperintend the expenditure of the ſame, (excepting one cent per acre of ſaid tax on the town of *Berkſhire.*) And any Juſtice of the Peace within and for the county of *Franklin*, is hereby authoriſed and directed to iſſue his warrant to *James Hawley*, of *Shelden*; *Elijah Littlefield*, of

Shelden land tax.
Berkſhire land tax.
Enoſburgh land tax.
Richford land tax.

Berkſhire; *Challis Safford*, of *Enoſburgh*, and *John Powell*, of *Richford*, who are hereby appointed collectors, to collect ſaid taxes in their reſpective towns.

SEC. 2. *And it is hereby further enacted*, That one cent per acre of tax aſſeſſed on the town of *Berkſhire*, ſhall be laid out and expended on the poſt road leading through ſaid town, under the direction of *Chauncey Moore* and *Hiram Rublee*, of ſaid *Berkſhire*, who are hereby appointed a committee for that purpoſe.

SEC. 3. *And it is hereby further enacted*, That the ſaid committees and collectors be, and they are hereby directed in the collecting, expending and accounting for the monies to be raiſed by ſaid taxes, to govern themſelves, in all things, by the directions of the general ſtatutes of this State, in that caſe made and provided.

Paſſed November 8, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 61.

An act laying a tax of three cents per acre on the town of *Weſtfield*.

Weſtfield land tax.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the

townſhip of *Weſtfield*, in the county of *Orleans*, public lands excepted, for the purpoſe of making and repairing roads, and building bridges in ſaid town; to be expended under the direction of *Jeſſe Olds*, Eſq. *Joſeph Owen* and *John Hartley*, who are hereby appointed a Committee to ſuperintend the expenditure of the ſame. And any Juſtice of the Peace, within and for the county of *Orleans*, is hereby authoriſed and directed to iſſue his warrant to *James Paddock* of *Craftſbury*, who is hereby appointed a collector to collect ſaid tax. And the ſaid committee and collector are hereby directed, in the collection, expenditure and accounting for the monies to be raiſed by ſaid tax, to govern themſelves, in all things, conformably to the general ſtatutes of this State, in that caſe made and provided.

Paſſed November 8, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 62.

An act directing the treaſurer to pay His Excellency the Governor, the ſum therein mentioned.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the treaſurer be, and he is hereby directed,

Treaſure directed to pay his Excellency dols. 45 31.

to pay to His Excellency the Governor of this State, the ſum of Forty-five dollars and Thirty-one cents, it being compenſation for monies, by him laid out and expended for the uſe of the ſtate.

Paſſed November 8, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 63.

An act laying a tax of three cents per acre on the town of *Elmore*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the townſhip of *Elmore*, in the county of *Orleans*, public lands excepted, for the purpoſe of making and repairing roads, and building bridges in ſaid town; to be expended under the direction of *Martin Elmore*, *Jeſſe Elmore*, and *Job Gibbs*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax.—And any Juſtice of the Peace, within and for the county of *Orleans*, is hereby authoriſed and directed, to iſſue his warrant to *Thomas Taylor* of *Wolcott*, who is hereby appointed a collector to collect the ſame. And the ſaid collector and committee are hereby directed, in collecting,

Elmore land tax.

expending, and accounting for the monies to be raiſed by ſaid tax, to govern themſelves, in all things, agreeably to the general ſtatutes of this ſtate, in that caſe made and provided.

Paſſed November 8, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 64.

An act laying a tax of three cents per acre on the town of *Morriſtown*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be and hereby is laid a tax of three cents per acre on all the lands in the townſhip of *Morriſtown*, in the county of *Orleans*, public lands excepted, for the purpoſe of making and repairing roads and building bridges in ſaid town, to be expended under the direction of *Micajah Dunham*, *Ebenezer Cole*, and *Aſa Cole*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax.— And any juſtice of the peace, within and for the county of *Orleans*, is hereby authoriſed and directed to iſſue his warrant to *Nathaniel P. Sawyer* of *Hydepark*, who is hereby appointed a collector to collect ſaid tax. And ſaid collector and committee are hereby directed in collecting, ex-

Morriſtown land tax.

pending and accounting for the monies to be raised by said tax, to govern themselves in all things, agreeably to the general statutes of this state, in that case made and provided.

Passed November 8, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 65.

An act directing the treasurer to credit the town of *Groton*, the sum therein mentioned.

Preamble.

WHEREAS it appears to this assembly, that the listers of the town of Groton, *for the year one thousand eight hundred and two, through mistake, neglected to deduct the Militia Polls from the grand list, by reason of which the grand list amounted to three thousand three hundred and seventy-two dollars, which made the town liable to pay state taxes; whereas if said sums had been deducted, said town would not have been liable to pay said taxes, as said town had not been represented.*

Therefore,

Treas. directed to credit the town of Groton.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the treasurer of this state be, and he is hereby directed to credit the town of *Groton*,

the whole amount of their ſtate tax, for the year one thouſand eight hundred and two.

Paſſed November 9, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 66.

An act in addition to, and in alteration of an act entitled "*An act granting to* John W. Blake, Calvin Knoulton, *and their aſſociates, the privilege of building a bridge over Weſtriver in* Brattleborough."

WHEREAS application has been made, by all the proprietors of Weſt-river bridge-company, for an alteration in the rates of toll allowed to ſaid company.

Preamble.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That in lieu of the rates of toll eſtabliſhed by ſaid act, it ſhall and may be lawful for Weſt-river bridge-company, to demand and receive the following rates of toll for croſſing ſaid bridge, to wit, For each foot paſſenger, *two cents*; For each horſe and paſſenger, *ſix cents and one quarter*; For each ox or cow, or other horned creature, not exceeding ten in number, *three cents*, if over that number *two cents* each, for

Rates of toll at Weſt-river bridge altered.

ſuch additional number; For each horſe, mule, or jack, not exceeding ten in number *four cents*, if over that number, *three cents* each, for ſuch additional number; For each chaiſe or ſulkey drawn by one horſe, *twelve cents and an half*; For each loaded cart or waggon drawn by two or four horſes or cattle, *ſixteen cents*; if drawn by more than four horſes or cattle *three cents* each, for ſuch additional horſes or cattle; For each cart or waggon, carrying no loading, drawn by two or four horſes or cattle, *eight cents*, if over that number *three cents* each, for ſuch additional number; For each chariot, coach, phaeton, or other pleaſure carriage drawn by two horſes, *thirty ſeven and an half cents*, if drawn by more than that number *four cents* each, for ſuch additional number; For each ſleigh or ſled drawn by two horſes or cattle, *twelve and an half cents*, if drawn by more than two, *three cents* each, for ſuch additional number; For each ſleigh, ſled or cart, drawn by one horſe, *ſix and an half cents*, and for each ſheep and ſwine, *half a cent*.

Paſſed November 9, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 67.

An act in addition to an act entitled "*An*

act altering the times for the ſitting of the Supreme Court of Judicature, Court of Chancery and County Court, in the county of Franklin," paſſed the thirtieth day of October, A. D. one thouſand ſeven hundred and ninety-eight.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Supreme Court of judicature and Court of Chancery, ſhall be holden at *St. Albans*, within and for the county of *Franklin*, on the laſt Tueſday, ſave one, of December, which will be in the preſent year, one thouſand eight hundred and three; and thereafter, on the laſt Tueſday ſave one of December, annually.

Supreme court in Franklin county when holden.

SEC. 2. *And it is hereby further enacted*, That all writs, proceſſes, recognizances, or other proceedings, which have been iſſued, commenced, had, or pending in either of the courts, or made returnable before the ſame, at the time of holding ſaid court now fixed by law for the ſitting of ſaid courts, ſhall be had, made and returned, and the ſame proceedings had thereon, by ſaid courts, in the ſame manner as though the time of the ſitting of ſaid court had not been altered.

Writs, proceſſes &c. returnable in ſaid court.

SEC. 3. *And it is hereby further enacted*, That ſo much of the act entitled "An act altering the times for the ſitting of the

Part of a former act repealed.

Supreme Court of judicature, Court of Chancery and County Court, in the county of *Franklin*," paſſed the thirtieth day of October, A. D. one thouſand ſeven hundred and ninety eight, as relates to the time of the ſitting of the ſupreme court of judicature and chancery, be, and the ſame is hereby repealed.

Paſſed November 9, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 68.

An act laying a tax of four cents on each acre of land in the townſhip of *Alburgh*.

Alburgh land tax.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is aſſeſſed a tax of four cents per acre, on all the lands in the townſhip of *Alburgh*, in the county of *Franklin*, public lands excepted, for the purpoſe of making and repairing roads and building bridges, in ſaid town, to be expended under the direction of *David Harvey*, *John Taylor* and *Stephen Pettis*, all of *Alburgh* aforeſaid, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax —And any juſtice of the peace, within and for the ſaid county of *Franklin*, is hereby empowered and direc-

ted to iſſue his warrant to *John R. Chilton*, of ſaid *Alburgh*, who is hereby appointed a collector to collect ſaid tax.—And the ſaid committee and collector are hereby directed, in the collection, expenditure, & accounting for the monies to be raiſed by ſaid tax, to govern themſelves in all things, by the directions of the general ſtatutes of this ſtate, in that caſe made and provided.

Paſſed November 9, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 69.

An act repealing the laſt clauſe, in the firſt ſection, of an act, paſſed by the Legiſlature, at their ſeſſion holden at *Burlington*, November the third, A. D. one thouſand eight hundred and two, conſtituting and eſtabliſhing a company of Artillery in the ſecond regiment, ſecond brigade, in the ſecond diviſion, of the militia of this ſtate.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the laſt clauſe in the firſt ſection of the before mentioned act, which goes to prevent the officers of ſaid company from recruiting, or enliſting any, but ſuch as are exempted by law from military duty, be, and the ſame is hereby repealed.

Laſt clauſe of 1ſt ſec. of an act eſtab. a co. of artillery in 2d regt. 2d brig. and 2d diviſ. of militia, repealed.

Paſſed November 9, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 70.

An act in addition to, and in alteration of an act, entitled "*An act empowering the ſelectmen in the ſeveral towns in this ſtate, to take charge of, and leaſe out the lands granted to the firſt ſettled miniſter, and for the uſe of the miniſtry,*" paſſed the third day of November, A. D. one thouſand ſeven hundred and ninety-eight.

Preamble.

WHEREAS it has been made to appear to this aſſembly, that the proviſional clauſe in the ſecond ſection of the act aforeſaid, limitting the power of the ſelectmen, ſo that they cannot, at any one time, leaſe ſaid lands for a longer term than fifteen years, is found to be extremely inconvenient and unequal.—Therefore,

SECTION 1.

Selectmen authoriſed to leaſe miniſtry land.

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the ſelectmen of the ſeveral towns in this ſtate, in which any lands are appropriated or granted for the uſe of the miniſtry, or ſocial worſhip of GOD, are hereby authoriſed and empowered to leaſe ſaid lands, for any term of time, and in ſuch manner, and under ſuch reſtrictions, as the inhabitants of ſuch town, at a meeting legally warned for that purpoſe ſhall direct.

SEC. 2. *Provided always, and it is hereby further enacted,* That no part of the

rents and profits arising from the lands, as aforesaid, shall be appropriated, or applied, until the same shall become due. Rents not to be anticipated.

SEC. 3. *And it is hereby further enacted*, That the provisional clause, in the second section of the act, to which this is an amendment be, and the same is hereby repealed. Part of former act repealed.

Passed November 10, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 71.

An act altering the post, or stage-road, leading from *Rutland* to *Vergennes*, from *Pittsford* meeting-house, to *William Spencer*'s in said *Pittsford*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the public road, as now travelled, from said meeting-house, to *William Spencer*'s aforesaid, be and the same is hereby established, as the said post, or stage road, in lieu of the place where the said stage road is now laid. And the said road, as altered by this act, is to be under the same regulations, restrictions and limitations, as is prescribed by law, for said stage road.—Any law, or usage to the contrary notwithstanding. Post road from Rutland to Vergennes altered.

Passed November 10, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 72.

An act granting to *Amasa Ladd* and *Nathaniel Douglass*, jun. of *Vineyard*, in the county of *Franklin*, the exclusive right of keeping a ferry from the east side of *Vineyard*, to the *North-Hero* and *Alburgh*.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the exclusive right of keeping a ferry, from the east side of *Vineyard* to the *North-Hero*, and to *Alburgh* be, & the same is hereby granted to *Amasa Ladd* and *Nathaniel Douglass*, junior, of said *Vineyard*, their heirs and assigns, for the term of Ten years from the first day of May next.

Exclusive right of keeping a ferry granted to A. Ladd & N. Douglass.

SEC. 2. *Provided nevertheless, and it is hereby further enacted*, That if the said *Amasa* and *Nathaniel*, their heirs and assigns, shall not have in good repair, and well manned, sufficient ferry boats, for carrying passengers, horses, cattle, teams, or carriages across said ferry, on or before the first day of June next, to the satisfaction and approbation of the selectmen of said town of *Vineyard*; or shall at any time thereafter, for the space of Fifteen days at any one time, between the tenth day of April, and the tenth day of December, annually, during said term, be unprovided with good and sufficient boats, well man-

Forfeiture on neglect of keeping boats, &c.

ned for carrying paſſengers, horſes, cattle, teams and carriages, as aforeſaid, the ſaid *Amaſa Ladd* and *Nathaniel Douglaſs*, jun. ſhall forfeit all the privileges granted by this act.

SEC. 3. *And it is hereby further enacted*, That the ſelectmen and authority of ſaid town of *Vineyard*, ſhall regulate the prices for ferriage acroſs ſaid ferry, agreeably to law; and they ſhall alſo eſtabliſh rules and regulations for ſaid ferry; which rules and regulations ſhall be poſted up at ſaid ferry, and recorded in the town clerk's office of the town of *Vineyard*. And if the ſaid *Amaſa* and *Nathaniel*, or either of them ſhall take greater fees for ferrying acroſs ſaid ferry any perſon, horſe, creature, team or carriage, than is eſtabliſhed by the ſelectmen and authority aforeſaid, or ſhall neglect to carry any perſon, team, horſe, creature or carriage acroſs agreeably to ſuch regulations, the ſaid *Amaſa* and *Nathaniel*, their heirs or aſſigns, ſhall forfeit and pay a fine of ſeven dollars, and coſt of proſecution; one moiety of which fine ſhall belong to the perſon, who ſhall proſecute the ſame to effect: and the other moiety to the treaſury of the town, where the proſecution ſhall be had.

Selectmen of Vineyard to regulate the price of ferriage &c.

Penalty for taking unlawful fees.

For neglect.

Fine how diſpoſed of.

Paſſed November 10, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 73.

An act authorising the selectmen of the town of *Cabot*, to make an alteration in the county road, leading through said town.

Preamble.

WHEREAS it has been made to appear to this assembly, that the county road leading from Onion-River *bridge, in* Montpelier, *to the court house in* Danville, *may be altered in a certain place in the town of* Cabot, *to the advantage of said town, and the public in general*—Therefore,

Selectmen of Cabot authorised to alter the County Road thro' said town.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the selectmen of the town of *Cabot* be, and they are hereby authorised to alter said road, in the following manner, viz. That instead of the said county road, leaving the road leading from the center of said town to *Peacham*, where it now does, it shall continue forty-eight rods further, on said road, leading to *Peacham*, then leave said road and run on a straight line so as to strike the said county road, one hundred and forty-four rods to the eastward of where the said county road now leaves the said road leading to *Peacham*. And the same when so altered by the selectmen, and recorded in the town clerk's office, shall be considered as the county road, to all intents and purposes, in the same manner, as though the committee

appointed to lay ſaid county road, had laid the ſame, in the place above mentioned.

Paſſed November 10, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 74.

An act, in addition to an act paſſed the ſeventh day of November, A. D. one thouſand ſeven hundred and ninety-two, entitled "*An act in alteration of an act, entitled, An act granting to* William Page *and* Lewis R. Morris, *their heirs and aſſigns forever, the excluſive right of locking* Bellows' Falls, *on* Connecticut-River, *and for repealing an act paſſed the firſt day of November, A. D. one thouſand ſeven hundred and ninety-one, granting the ſame*," and alſo in alteration of an act paſſed on the ſeventeenth day of October, one thouſand ſeven hundred and ninety-five, for increaſing the Toll on all kinds of Lumber.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the ſaid Company, for the term of eight years, next after the paſſing of this act, be allowed to take *fifty cents* per ton, for

Toll at Bellows'falls' locks and canal, regulated.

conveying loaded boats through said locks and canal, and *twenty five cents* per ton, for all empty boats, according to the tons said boats will carry; and the sum of *fifty cents* for every ton of lumber, except on square timber and logs, which shall be *twelve cents* per ton, only, for conveying through said locks and canal, in lieu of the toll heretofore allowed, any thing in the aforementioned acts to the contrary notwithstanding.

The Company not to hinder or obstruct the carting by the falls.

SEC. 2. *Provided always, and it is hereby further enacted,* That the said company shall, in no wise, obstruct or hinder the carting of lumber, and other loading, by said falls, as has been heretofore practised.

Passed November 10, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 75.

An act appointing a new member of Committee on a Tax on *Coit's Gore.*

Preamble.

WHEREAS Timothy Brown, *appointed member of a committee for superintending a tax of* two cents *on the acre, laid on* Coit's Gore, *at the last session of the Legislature, hath deceased*—Therefore,

IT *is hereby enacted by the General Assembly of the State of Vermont,* That

James Olmsted of said *Coit's Gore*, be, and he is hereby appointed a member of the Committee for superintending the expenditure of said tax, in the room of *Timothy Brown*, deceased, and he the said *James*, is, in every respect, directed, and rendered accountable, in the same manner, and to the same extent, as the said *Timothy*, deceased, was, in and by the act beforementioned.

New member of a committee on Coit's Gore Tax appointed.

Passed November 10, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 76.

An act in alteration of, and to amend an act, entitled "*An act relating to gaols and gaolers, and for relief of persons imprisoned therein*," passed the ninth day of March A. D. one thousand seven hundred and ninety-seven.

WHEREAS no provision is made, in and by the act aforesaid, for the relief of persons imprisoned, who hold and possess real and personal property, where the creditor refuses to take the same. And whereas no provision is made, in and by said act, for prisoners who have been admitted to the oath prescribed in said act, whereby such poor persons may be secured from further personal arrest and imprisonment;

Preamble.

by reaſon of which many of the citizens of this ſtate, have been, and ſtill are, ſubject to be long impriſoned, to their great injury, and againſt the principles of the thirty-third ſection of the conſtitution of this ſtate.—Which evils to prevent,

SECTION I.

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That when any perſon, who is, or hereafter may be confined, in any gaol in this ſtate, for any debt, in execution, when ſuch debtor may by law be admitted to the liberties of ſuch gaol, and ſuch debtor ſhall, perſonally, or by his agent or attorney, offer, or tender to ſuch creditor, or to the agent or attorney of ſuch creditor, who has the care of the collection of ſuch debt, his or her property, laying or being within this ſtate, either real or perſonal, to be appraiſed at its true and juſt value in money, by indifferent men, to be choſen by ſuch debtor and creditor; and in caſe they cannot agree on ſuch appraiſers, by three judicious and diſintereſted freeholders, to be appointed by a judge of the county court, within the ſame county, who ſhall be ſworn to the faithful diſcharge of their duty, in ſuch appraiſal, in payment of ſuch debt, for which he or ſhe ſhall ſtand committed. And if the creditor, or his or her agent or attorney, ſhall, for the ſpace of twenty days, neglect or refuſe to agree in the appointment of appraiſers, or

Debtors in gaol may tender real or perſonal eſtate to their creditors.

To be appraiſed.

By whom appraiſed.

Appraiſers to be ſworn.

to accept ſuch property at their appraiſal, as aforeſaid, in payment or ſatisfaction, then, and in ſuch caſe, ſuch debtor may ſell and diſpoſe of all, or any part of his or her property, which he or ſhe ſhall have ſo tendered, as aforeſaid, in payment of any other juſt demand, which any other perſon may have or hold againſt ſuch debtor, at the time of his or her commitment, as aforeſaid. And after ſuch debtor ſhall have expended, all his or her property, both real and perſonal, in payment of his or her juſt debts, as aforeſaid, or in ſupport of his or her family, or for both, and ſhall have complied with all the requiſitions of the act, to which this is an addition, and ſhall take the following oath: "You do ſolemnly, ſincerely and truly ſwear (or affirm) by the name of the everliving GOD, without evaſion, equivocation, or mental reſervation, that you have not any eſtate, real or perſonal, except neceſſary apparel and bedding, for yourſelf and family, in poſſeſſion, remainder or reverſion, to the value of twenty dollars in the whole, nor ſufficient to pay the debt, damages and coſts for which you are committed, and that you have not directly, or indirectly, diſpoſed of all or any part of your eſtate, to defraud or deceive any of your juſt creditors.—So help you GOD. Or in caſe of affirmation, under the pains and penalties of perjury."—Then ſuch debtor ſhall be entitled to all the privileges provided for inſolvent debt-

Creditors refuſing or neglecting for 20 days to take ſuch property, the debtor may diſpoſe of the ſame to other creditors.

Creditor diſpoſing of all his property may take the inſolvent debtors' oath.

Form of the oath.

Privileges obtained thereby.

ors, in and by the act, to which this act is an amendment.

SEC. 2. *And it is hereby further enacted*, That when any perſon ſhall be releaſed from priſon, in the manner provided by this act, or in the manner provided by the act, to which this act is an addition, his or her body ſhall forever thereafter be free from arreſt and impriſonment, for any debt, by him or her contracted, previous to his or her being ſo releaſed. And the keeper of the priſon, in which ſuch debtor or debtors may be ſo impriſoned as aforeſaid, on receiving a certificate of ſuch admiſſion to the oath aforeſaid, ſhall thereupon releaſe and diſcharge ſuch debtor or debtors from their ſaid impriſonment. *Provided* however, that no perſon ſo releaſed from priſon, ſhall take any benefit by this act, except againſt his creditor or creditors actually cited to appear and ſhew cauſe why he or ſhe ſhould not be admitted to ſuch oath, unleſs he or ſhe ſhall have cauſed to be publiſhed, in ſome public newſpaper or newſpapers, the ſubſtance of ſuch citation, to ſuch creditor or creditors, ſo actually made; which newſpaper or newſpapers, whether within or without this ſtate, ſhall be deſignated, by the judge or juſtice, ſigning ſuch citation: ſuch publication to be made two weeks ſucceſſively, in ſuch newſpaper or newſpapers, the laſt of which publication ſhall be made, at leaſt eight days before ſuch priſoner ſhall be admitted to ſuch oath; by which

Notice to be given to the creditors by publiſhing in the newſpapers or by citation.

repealed
Octob. 1805

publication, ſuch priſoner ſhall call on all his creditors to appear at the time and place mentioned in ſuch citation, to ſhew cauſe, if any they have, why he or ſhe ſhould not be admitted to ſuch oath.—And it ſhall be the duty of the court, before whom ſuch proceedings ſhall be had, in their certificate to the priſoner and goaler, to certify if the notice to the creditors has been by publication in the newſpapers, and if it has been by citation only, then to mention all the creditors names on whom it has been ſerved.

Creditor may diſcharge his debtor from priſon, and levy Execu. on property in certain caſes.

SEC. 3. *And it is hereby further enacted,* That when any creditor, by virtue of an execution, as aforeſaid, ſhall cauſe the body of any debtor, to be committed to jail, or in caſe any debtor who has been committed to jail, ſhall continue in jail for the ſpace of three months, the creditor ſhall have full power to diſcharge the debtor from priſon, and thereupon take out an alias execution, which alias execution any of the courts in this ſtate are hereby authoriſed to iſſue, and levy the ſame on the property of ſuch debtor, and therewith ſatisfy ſuch execution; but ſhall not again impriſon the body of ſuch debtor, for the ſame debt.

The body not to be again impriſoned for the ſame debt.

Former act repealed.

SEC. 4. *And it is hereby further enacted,* That an act in alteration of, and to amend an act, entitled "an act relating to jails and jailers, and for the relief of perſons

impriſoned therein," paſſed November the twelfth, A. D. one thouſand eight hundred and two, be, and the ſame is hereby repealed.

Th.. .e when this act will be in force.

SEC. 5. *Provided nevertheleſs, and it is hereby further enacted,* That this act ſhall not take effect until from and after the fifteenth day of December next. And the Secretary of State, is hereby directed to cauſe this act to be publiſhed in the *Vermont Gazette*, the *Vermont Journal*, *Green Mountain Patriot*, and *Rutland Mercury*, three weeks ſucceſſively as ſoon as may be.

To be publiſhed in certain newſpapers.

Paſſed November 11, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 77.

An act directing the Treaſurer of this State to credit the town of *Lemington* the ſum therein mentioned.

Preamble.

WHEREAS it appears to this Legiſlature, that the town of Lemington, *in the county of* Eſſex, *not being repreſented, nor having a liſt making them liable unrepreſented, were, the laſt year, taxed twelve dollars and ten cents, on the State Tax.*—Therefore,

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That

that the Treaſurer of this State be, and he is hereby directed to credit the ſaid town of *Lemington*, the ſum of *twelve dollars* and *ten cents*, on the State Tax, of one thouſand eight hundred and two.

Treaſ. to credit Lemington dolls. 12 10.

Paſſed November 11, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 78.

An act directing the Treaſurer to credit the town of *Granby*, the ſum therein mentioned.

WHEREAS it appears to this Aſſembly, that the town of Granby, *in the county of* Eſſex, *not being repreſented, nor having a liſt making them liable unrepreſented, to pay a ſtate tax, were, the laſt year, taxed* thirteen dollars *and* ninety-ſix cents, *on the ſtate tax*.—Therefore,

Preamble.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Treaſurer of this State be, and he is hereby directed, to credit the town of *Granby*, in the county of *Eſſex*, the ſum of *thirteen dollars* and *ninety-ſix cents*, on the State Tax, of one thouſand eight hundred and two.

Treaſurer to credit Granby dolls. 13 96.

Paſſed November 11, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 79.

An act in addition to an act entitled "*An act laying a tax of eight cents per acre on the town of* St. Albans, *for the purpose therein mentioned,*" passed November the fifth, A. D. one thousand eight hundred.

Preamble.

WHEREAS said tax was laid for the purpose of building and finishing a Court-House, and a house for a grammar school, in said Saint Albans ; *and* Levi House, Joseph Jones *and* Jonathan Hoyt, *were appointed a Committee, in and by said act, to superintend the expenditure of said tax. And whereas the land-owners and proprietors of said* St. Albans, *in a meeting warned for that purpose, did, on the fourth day of September, A. D. one thousand eight hundred, vote a tax of eight cents per acre on the lands in said* St. Albans, *to be paid in labor, or materials for building and finishing said court-house, and a house for a grammar school; and did appoint* Joseph Jones, Halloway Taylor, Levi House, Amos Morrill *and* David Powers, *a committee to superintend the building and finishing said houses. And whereas the committee last aforesaid, before the passing the aforesaid act, did lay out and expend large sums of money, in building said court-house, in expectation of being paid therefor, from the monies to be collected from said tax*

of eight cents per acre. And whereas the ſaid Levi Houſe, Joſeph Jones *and* Jonathan Hoyt, *conceiving themſelves unauthoriſed, did wholly refuſe to allow the account of the expenditures aforeſaid. And whereas the ſaid* Joſeph Jones, Halloway Taylor, Levi Houſe, Amos Morrill *and* David Powers, *and others, muſt wholly loſe their ſaid expenditures, unleſs a proper board be appointed to adjuſt and allow, or cauſe to be allowed, what is equitable. And whereas no perſons were ever appointed and authoriſed to adjuſt and allow the accounts of the ſaid* Levi Houſe, Joſeph Jones *and* Jonathan Hoyt, *committee as aforeſaid*—

Therefore,

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the judges of the Supreme Court be, and they are hereby fully authoriſed and empowered to examine and allow, adjuſt and ſettle, the accounts of the ſaid *Joſeph Jones, Levi Houſe* and *Jonathan Hoyt,* committee as aforeſaid.

Judges of the Sup. Court to adjuſt and ſettle the acc. of a com. on St. Albans land tax.

SEC. 2. *And it is hereby further enacted,* That the ſaid judges of the ſupreme court be, and they are hereby fully authoriſed, empowered and directed, to examine the account of the expenditures of the ſaid *Joſeph Jones, Halloway Taylor, Levi*

Houſe, *Amos Morrill* and *David Powers*; and all others, whoſe accounts have not heretofore been allowed, for building ſaid court houſe, and houſe for a grammar-ſchool, in ſaid *Saint Albans*. And whatever ſums ſaid judges ſhall find, in juſtice ought to be allowed to the ſaid *Joſeph Jones*, *Halloway Taylor*, *Levi Houſe*, *Amos Morrill* and *David Powers*, or any other perſon or perſons, for building ſaid houſes, not before allowed, ſhall be allowed, and credited by ſaid *Joſeph Jones*, *Levi Houſe* and *Jonathan Hoyt*, committee as aforeſaid. And the ſaid judges are hereby directed to certify the ſame, to ſaid committee appointed by ſaid act, and adjuſt and allow their accounts accordingly.

Alſo, certain other expenditures on the court houſe in ſaid town.

Provided nevertheleſs, That if it ſhall appear to ſaid judges, that ſaid committee appointed by ſaid town of *St. Albans*, or any other perſon, ought *not*, in juſtice and equity, to be compenſated for their ſervices, out of the money ariſing from ſaid tax of eight cents per acre, in that caſe ſaid judges ſhall not direct the ſaid *Joſeph Jones*, *Levi Houſe* and *Jonathan Hoyt*, to credit ſuch expenditures.

SEC. 3. *And it is hereby further enacted*, That if any money, or other property ariſing from ſaid tax, ſhall remain unexpended, after the accounts have been allowed, as aſſeſſed, that the ſaid committee proceed to lay out the tax, in finiſhing ſaid

Monies unexpended how applied.

buildings, and exhibit their accounts to the ſupreme court, who ſhall examine and allow ſuch accounts, as is heretofore directed.

SEC. 4. *And it is hereby further enacted*, That ſaid committees ſhall pay ſaid judges, for the ſervices contemplated by this act, in ſuch proportions by each committee, as ſaid judges ſhall direct.

Judges of ſup. court how paid for ſaid ſervices.

Paſſed November 11, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 80.

An act enabling the minor heirs of *Ethan Allen*, late of *Burlington*, in the county of *Chittenden*, deceaſed, by their preſent or future guardian, or guardians, to ſettle diſputes reſpecting their real eſtate, by arbitration, agreement, reference or otherwiſe; and alſo to enable ſaid minor heirs, by their preſent, or future guardian or guardians, to ſell part of their real eſtate, for the purpoſes therein mentioned.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the minor heirs of *Ethan Allen*, late of *Burlington*, deceaſed, by their preſent or future guardian, or guardians, be, and

they hereby are empowered, under the direction of the Judge of Probate, in the probate diſtrict where any real eſtate, ſuppoſed to belong to ſaid minor heirs lies, to ſettle all and every diſpute, reſpecting any ſuch real eſtate, by arbitration, agreement, reference or otherwiſe.

Guardian of the minor heirs of Ethan Allen authoriſed to ſettle diſputes by arbitration &c.

SEC. 2. *And it is hereby further enacted, by the authority aforeſaid,* That any deed or conveyance of any real eſtate, owned or claimed by ſaid minor heirs of *Ethan Allen,* deceaſed, as aforeſaid, executed according to law, by their preſent or future guardian or guardians, and approved of, by the Judge of probate, in the probate diſtrict where ſuch real eſtate lies, and recorded in the town clerk's office, and for want thereof, in the county clerk's office, where ſuch real eſtate lies, ſhall be valid in law, and binding on ſaid minor heirs.

Deeds given by ſaid Guardians to be valid and binding on their wards.

SEC. 3. *And it is hereby further enacted, by the authority aforeſaid,* That any agreement, in writing under hand and ſeal, executed by the preſent or future guardian or guardians, of ſaid minor heirs, reſpecting any real eſtate, and approved of, by the Judge of probate, in the probate diſtrict where ſuch real eſtate lies, and recorded in the town clerk's office, and for want thereof, in the county clerk's office, where ſuch real eſtate lies, ſhall be valid in law, and binding on ſaid minor heirs.

Agreements executed by ſaid guardians to be valid and binding on their wards.

SEC. 4. *And it is hereby further enacted, by the authority aforeſaid,* That the award

of any arbitrator or arbitrators, referee or referees, mutually choſen, by the preſent or future guardian or guardians, of ſaid minor heirs of ſaid *Ethan*, and any claimant to any real eſtate, ſuppoſed to belong to ſaid minor heirs, made out in writing, and approved of, by the Judge of probate, in the probate diſtrict, where ſuch real eſtate lies, and recorded in the town clerk's office, and for want thereof, in the county clerk's office, where ſuch real eſtate lies, ſhall forever be binding on ſaid minor heirs, and ſaid claimant, and forever eſtabliſh the title to ſuch real eſtate, according to ſuch award, any law, uſage and cuſtom to the contrary notwithſtanding.

Award of arbitrators to be valid and binding on ſaid minor heirs, & eſtabliſh the title to lands.

SEC. 5. *And it is hereby further enacted, by the authority aforeſaid*, That the preſent or future, guardian or guardians, of ſaid minor heirs of *Ethan Allen* be, and they hereby are empowered, under the direction of the Judge of probate, in the probate diſtrict where any real eſtate of ſaid minor heirs lies, to ſell ſo much of ſuch real eſtate of ſaid minor heis, as ſaid Judge of probate ſhall think neceſſary to defray the expences, which have already accrued, or may hereafter accrue in their ſupport & education; and likewiſe to defray the expences, which have already accrued, or may hereafter accrue, in defending, ſecuring & recovering their property.

The ſaid guardians empow'd to ſell and deed real eſtate belonging to their wards.

Paſſed November 12, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 81.

An act laying a tax of three cents per acre on the townſhip of *Hardwick*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the townſhip of *Hardwick*, in the county of *Caledonia*, public lands excepted, for the purpoſe of making and repairing roads, and building bridges in ſaid town; to be expended under the direction of *Levi Goodridge*, *John Bridgman*, and *Joſeph Jacobs*, who are hereby appointed a committee to ſuperintend the collection and expenditure of ſaid tax.—And any Juſtice of the Peace, within and for the county of *Caledonia*, is hereby authoriſed and directed, to iſſue his warrant to *John Holmes* of *Hardwick* aforeſaid, who is hereby appointed a collector to collect ſaid tax. And the ſaid committee and collector are hereby directed, in the collection, expenditure and accounting for the ſaid monies to be raiſed by ſaid tax, to govern themſelves, in all things, by the general ſtatutes of this ſtate, in that caſe made and provided.

Hardwick land tax.

Paſſed November 12, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 82.

An act limiting the time for presenting prize tickets to the managers of the *Castleton* and *Hubbardton* road lottery.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That any person or persons, owning any prize ticket or tickets, in the *Castleton* and *Hubbardton* road lottery, shall present the same to *Arunah Woodward*, of *Castleton*, one of the managers of said lottery, within six months, from and after the passing of this act, or the owners of such prize tickets, shall thereafter be forever barred from recovering such prize money, from the managers of said lottery.

The time of presenting prize tickets in Hubbardton road lottery limited.

SEC. 2. *And it is hereby further enacted*, That it shall be the duty of the said *Arunah Woodward*, to cause the substance of this act, and a list of the prizes drawn in said lottery, to be published in the *Vermont Gazette*, three weeks successively, the last of which publication, to be at least three months before the expiration of said term of six months. And upon the failure of such publication, the said *Arunah* shall take no benefit of this act.

Managers to publish in Vermont Gazette.

Passed November 12, 1803.

A true Copy.

Attest, DAVID WING, Jun, *Secretary*.

Chapter 83.

An act empowering the proprietors of *Moretown*, in the county of *Chittenden*, to complete their ſurvey and field book, and ratify their former proceedings relative to ſaid town, and to grant a tax to defray the expences thereof.

SECTION. 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That any juſtice of the peace, within and for the county of *Chittenden*, is hereby authoriſed and empowered on the application of more than one ſixteenth part of the proprietors and land owners of *Moretown* aforeſaid, to iſſue his warrant to notify and warn a meeting of the proprietors and landowners of ſaid town, to meet at ſome ſuitable time and place in ſaid town, and the buſineſs to be tranſacted at ſaid meeting, by advertiſing the ſame agreeable to law. And the ſaid proprietors and land owners when met may take ſuch meaſures as they ſhall deem proper to aſcertain the ſurvey, and complete a plan and field book of ſaid town.

Prop. of Moretown authoriſed to call a meeting of ſaid pro. for completing the plan &c.

SEC. 2. *And it is hereby further enacted*, That it ſhall be the duty of the proprietors and land owners to publiſh in the *Vermont Gazette* and in the *Vermont Journal*, three weeks ſucceſſively, within the month of Auguſt next, the ſubſtance of the

Prop. &c. of Moretown to publiſh the ſubſtance of this act in the newſpapers.

petition, on which this bill is founded, together with the substance of this act, and their design to apply to the legislature at the next session, for a confirmation of their proceedings, that so all concerned may appear, and shew cause why such proceedings shall not be confirmed.

Passed November 12, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 84.

An act establishing the boundary lines of the town of *Stratton*.

WHEREAS, by the charter of said town of Stratton, *the proprietors were to begin their boundaries, on the east line of the town of* Sunderland. *And whereas the proprietors or land owners of said town of* Sunderland, *had not, and still omit to run out the east line of said town of* Sunderland, *therefore the proprietors of said* Stratton, *not being able to know, for certainty, where to find said east line of* Sunderland, *have located said town of* Stratton, *bounded easterly on the west lines of the towns of* Wardsborough *and* Jamaica, *thence extending westwardly towards said town of* Sunderland; *and have made actual settlements, for more than twenty years, which location has occasioned que-* Preamble.

ries to arise in the minds of some persons, concerning the boundaries of said Stratton,

Therefore,

IT *is hereby enacted by the General Assembly of the State of Vermont,* That the town-lines of laid town of *Stratton*, be, and they hereby are established, where they are now run. *Provided*, they do not interfere with any other town, or grant already made, nor contain more lands than is contained in a six mile square township.

Town lines of Stratton estab.

Proviso.

Passed November 12, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 85.

An act directing the treasurer to pay *Benjamin Emmons*, junior, auditor, the sum therein mentioned.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state be, and he is hereby directed to pay *Benjamin Emmons*, jun. auditor, the sum of fifty dollars, for his services as auditor, the year past.

Treas. directed to pay B. Emmons jun. d. 50.

Passed November 12, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 86.

An act laying a tax of one cent and three mills, on the dollar, on the list of one thousand eight hundred and three.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of one cent and three mills on the dollar, on the list of the polls and rateable estate of the inhabtants of this state, taken for the year one thousand eight hundred and three, to be paid into the treasury by the first day of June next, in hard money, state orders, and orders drawn by the clerks of the supreme court.

State tax of one cent three mills on the dollar.

Passed November 12, 1803.

A t e Copy.

Attes AVID WING, Jun. *Secretary.*

Chapter 87.

An act directing the treasurer of this state, to pay to the several state's attorneys, the several sums therein mentioned.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the treasurer of this state be, and he is hereby directed to pay,

Treasurer directed to pay S. Attornies certain sums of money.

To *Levi House*, State's Attorney for *Franklin* county, thirty-two dollars and fifty cents.

To *Abel Spencer*, State's Attorney for *Rutland* county, seventy-five dollars and ten cents.

To *Daniel Buck*, State's Attorney for *Windsor* county, thirty-four dollars and fifty cents.

To *Daniel Chipman*, State's Attorney for *Addison* county, eighty-nine dollars and ninety-nine cents.

To *Charles Bulkely*, State's Attorney for *Orange* county, fifty-six dollars.

To *William C. Harrington*, State's Attorney for *Chittenden* county, one hundred and sixty seven dollars and forty-four cents.

And to *William Mattocks*, State's Attorney for *Caledonia* county, fifteen dollars, for their respective services as State's Attornies.

Passed November 12, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 88.

An act in addition to an act entitled "*An act for the probate of wills and settlement of testate and intestate estate.*

IT *is hereby enacted by the General Assembly of the State of Vermont*, That on the decease of the parents of any infant child, or children, under the age of

ſeven years, the Judge of Probate, whoſe duty it may be to grant letters of adminiſtration, upon the eſtate of ſuch deceaſed parents, ſhall ſet apart and decree ſo much of the eſtate of ſaid deceaſed parents, as would have belonged to the widow, as dower, had ſhe lived, or ſo much of the ſame as he ſhall think neceſſary for the ſupport of ſuch infant child, or children, till he, ſhe, or they, arrive to the age of ſeven years.

Judge of Probate to decree a certain part of deceaſed parent's eſtate for the ſupport of their orphan children.

Paſſed November 12, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 89.

An act granting to *Jeſſe Williams*, Judge of Probate for the diſtrict of *Hartford*, and his ſucceſſors in office, in truſt, for the uſe of *Mercy Stebbins*, wife of *Benjamin Stebbins*, of *Barnard*, one hundred acres of land, in ſaid *Barnard*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is granted to *Jeſſe Williams*, Eſquire, of *Woodſtock*, in the county of *Windſor*, Judge of Probate for the diſtrict of *Hartford*, and to his ſucceſſors in office, in truſt, for the uſe and benefit of *Mercy Stebbins*, wife of *Benja-*

Land granted in truſt to Jeſſe Williams for the uſe of Mercy Stebbins.

min Stebbins, of *Barnard*, in ſaid county of *Windſor*, one hundred acres of land, ſituate in ſaid *Barnard*, the property of this ſtate, bounded ſouth on *Moſes Fay*, eaſterly on *Nathaniel Wight*, northerly on *Moſes Coolidge*, and weſtwardly on lands that the ſtate now owns.

SEC. 2. *And it is hereby further enacted*, That the ſaid *Mercy Stebbins* ſhall poſſeſs, occupy and improve the aforeſaid one hundred acres of land, under the direction of the aforeſaid Judge of Probate, and his ſucceſſors in office, during her natural life, and may diſpoſe of the premiſes by deed, or otherwiſe, to take effect after her deceaſe, to any of her children; and in caſe the ſaid *Mercy* ſhall not make ſuch diſpoſition of ſaid land in her lifetime, then and in that caſe, the ſame ſhall be equally divided to and among the children of the ſaid *Mercy*: And in caſe the ſaid *Mercy* ſhall have no children living, at the time of her deceaſe, then the land ſhall deſcend in the ſame manner as the law regulating the deſcent of Eſtates directs.

Diſpoſition of ſaid land after the deceaſe of ſd. Mercy Stebbins.

Paſſed November 12, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 90.

An act laying a tax of three cents per acre

on *Kelley's Grant*, No. Two, in the county of *Orleans*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in *Kelley's Grant No. Two*, situate in the county of *Orleans*, public lands excepted, for the purpose of making and repairing roads and building bridges within said tract, to be expended in the following manner, to wit—one third part of said tax to be expended on the county road lately laid out from *Troy*, alias, *Missisquoie*, to the north line of *Greensborough*, and the other two third parts, on the road leading from *Craftsbury* to *Westfield*, under the direction of *Aaron Shepard* and *Anthony Burgess*, who are hereby appointed a committee to superintend the expenditure of said tax. And any Justice of the Peace, within and for the county of *Orleans*, is hereby authorised and directed to issue his warrant to *Thomas Tolman*, of *Greensborough*, who is hereby appointed a collector to collect the same. And said committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies to be raised by said tax, to govern themselves in all things, conformably to the directions of the general statutes of this State, in that behalf made and provided.

Land tax on Kelly's Grant, No. 2.

Passed November 14, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 91.

An act appointing a Committee to lay out a road from the county road in *Barton*, to the county road leading from *Greenſborough* to *Danville*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That *Timothy Hinman* of *Derby*, *Elijah Strong* of *Brownington*, and *Abraham Whitaker* of *Barton*, be, and hereby are appointed a Committee to lay out and ſurvey a road, from the beſt and moſt convenient place, from the county road in *Barton*, to the county road leading from *Greenſborough* to *Danville*, And when ſuch road ſhall be ſo laid out, it ſhall not be altered, only by order of the county court, of the reſpective counties through which the ſame ſhall paſs.

Committee to lay out a road from Barton to the road leading from Greenſboro' to Danville.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 92.

An act laying a tax of two cents per acre on the townſhip of *Worceſter*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of two

cents per acre, on all the lands in the townſhip of *Worceſter*, in the county of *Chittenden*, public lands excepted, for the purpoſe of making and repairing roads, and building bridges in ſaid town; to be expended under the direction of *David Wing*, junior, *Seth Putnam* and *Uriah Stone*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax.—And any Juſtice of the Peace, within and for the county of *Chittenden*, is hereby authoriſed to iſſue his warrant to ſuch perſon as ſaid committee, or a majority of them may appoint, to collect ſaid tax. And ſaid committee and collector are hereby directed to govern themſelves, in all things, in the collection, expenditure and accounting for the monies to be raiſed by ſaid tax, conformably to the general ſtatutes of this ſtate, in that behalf made and provided.

Worceſter land tax.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 93.

An act laying a tax of one and a half cents per acre on all the lands in the townſhip of *Middleſex*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That

there be, and hereby is laid a tax of one and a half cents per acre on all the lands in the townſhip of *Middleſex*, in the county of *Chittenden*, public lands excepted, forthe purpoſe of making and repairing roads and building bridges in ſaid town, particularly a road leading from *Montpelier* to *Cambridge*; to be expended under the direction of *Charles Bulkeley*, *William M'Cloud* and *William Holden*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax: And any Juſtice of the Peace, within and for the county of *Chittenden*, is hereby authoriſed to iſſue his warrant to ſuch perſon as ſaid committee, or a majority of them may appoint, to collect ſaid tax.—And ſaid committee and collector are hereby directed to govern themſelves in all things, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, conformably to the general ſtatutes of this State, in that behalf made and provided.

Middleſex land tax.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 94.

An act in addition to an act entitled "*An act authoriſing the proprietors of* Guildhall *to rectify and complete a diviſion of*

their lands," passed the twelfth day of November, A. D. one thousand eight hundred and two.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That said proprietors be, and they are hereby authorised and empowered, at any legal meeting by them warned, or hereafter to be warned, for that purpose, as well to correct and rectify any erroneous division heretofore made, as to rectify and confirm the same, where no error has intervened. And also, at any meeting, warned as aforesaid, to vote to settle with any proprietor, or proprietors, or owners of lands, who have not had an equal proportion, in any division already made, by means of any part thereof being cut off, by claims under other towns, by setting off other undivided lands, in lieu thereof, to the acceptance of such proprietors or land-owners, in such manner as said proprietors shall deem proper.

Proprietors of Guildhall empowered to correct and rectify records.

Passed November 14, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 95.

An act laying a tax of two cents on each acre of land in the townships of *Waterbury.*

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of two cents per acre on all the lands in the township of *Waterbury*, in the county of *Chittenden*, public lands excepted, for the purpose of making and repairing roads and building bridges in said town, the one half of said tax to be laid out on the road leading from *Middlesex* to *Cambridge*; to be expended under the direction of *Eli Graves*, *Isaac Parker* and *Joshua Hill*, all of *Waterbury* aforesaid, who are hereby appointed a committee to superintend the expenditure of said tax. And any justice of the Peace, within and for the county of *Chittenden*, is hereby authorised and directed to issue his warrant to *Hiram Peck*, of said *Waterbury*, who is hereby appointed a collector, to collect said tax. And the said committee and collector are hereby directed in the collection, expenditure, and accounting for the monies to be raised by said tax, to conform themselves, in all things, to the directions of the general statutes of this state in that behalf made and provided.

Waterbury land tax.

Passed November 14, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 96.

An act establishing a corporation by the

name of the *Williamſtown Centre Turnpike Company.*

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That *Jonathan* and *John Culver*, of *Barre*, and *Zebina Curtis* of *Windſor*, and their aſſociates, their heirs and aſſignees, be, and they hereby are conſtituted a corporation, by the name of *The Williamſtown Centre Turnpike Company*, and ſhall, by that name, ſue and be ſued—may have a common ſeal, to be by them altered at pleaſure; and ſhall enjoy all the privileges incident to a corporation, for the purpoſe of laying out, making, altering, & keeping in repair, a turnpike road, beginning at *Experience Fiſk's* in *Brookfield*, and from thence northerly, up the ſide of the branch of *White River*, through the notch of the mountains, until it comes to the road leading from *Williamſtown* to *Chelſea*, on the north ſide of the lands of *Jepthah Moore*, in ſuch place or places as ſaid corporation ſhall chooſe. Which road ſhall not be leſs than ſixty feet wide, and the path to be travelled in, not leſs than ſixteen feet wide.

Incorporation of Williamſtown centre turnpike company.

Name of the company.

Their powers.

Extent of the road.

Width of the road.

SEC. 2. *And it is hereby further enacted*, That as ſoon as ſaid road is ſufficiently made, to the ſatisfaction of the judges of the county court of *Orange* county, for the time being, or a diſintereſted com-

May erect one gate on sd road.

mittee by them appointed, the corporation shall have power to erect one gate, at such place, on said road as they may deem proper, and at said gate shall have a right to receive the following rates of toll, to wit, For every four wheeled pleasure carriage, drawn by one beast *forty cents*, and for each additional beast *four cents*; For every two wheeled pleasure carriage, drawn by one beast *seventeen cents*, and for each additional beast *three cents*; For each waggon or cart, drawn by two beasts *twenty cents*, and for each additional beast *four cents*; For each sled or sleigh, drawn by one beast *twelve cents*, and for each additional beast *three cents*; For each man and horse *six cents*; For all horses, mules or neat cattle, led or driven, besides those in teams and carriages *one cent* each; For sheep and swine, at the rate of *four cents* per dozen. *Provided* that the said corporation may, if they see proper, commute the rate of toll with any person, by taking of such person a certain sum by the month, or annually, to be mutually agreed on, in lieu of the toll aforesaid.

Rates of toll.

May commute the rate of toll.

Sec. 3. *And it is hereby further enacted*, That said corporation, or a committee by them appointed be, and they hereby are empowered and authorised to lay out, make and alter said road, from time to time, as they may judge best, and record the same. And they shall be liable to pay all damages which shall arise to any person

Corporation to pay all damages to owners of the land.

by taking his lands by such road; and, when the same cannot be obtained by voluntary purchase, to be estimated by a committee, to be appointed by the county court of the county of *Orange*. *Provided* no damage shall be allowed to any land owner, for laying out or altering said road through his lands, where the same shall not be improved, or where there is allowance lands for roads belonging to said lands unappropriated, at the time of laying said turnpike road.

Damages how estimated.

Proviso.

SEC. 4. *And it is hereby further enacted*, That said corporation be, and they are hereby enabled to purchase and receive, and hold lands, sufficient for the accommodation of their respective toll gatherers, and the same to transfer, in such manner as by their bye-laws they may direct.

Corporation may purchase and hold lands.

SEC. 5. *And it is hereby further enacted*, That if the said corporation, or their toll gatherers, or any person in the employment of said corporation, shall unreasonably delay or hinder any passenger at said gate, or demand and receive more toll than is by law directed, the said corporation shall forfeit and pay a sum not exceeding ten dollars, nor less than two dollars, to be recovered before any court proper to try the same. And said corporation shall be liable to pay all damages, which may happen to any person from whom toll is demandable, which may arise

Penalty for hindering passengers.

Corporation liable to pay all damages that may happen for want of repairs on said road.

from any neglect of any bridge, or want of repairs on ſaid road, after the ſame has been made and approved, as is in this act before provided; and ſhall be liable to preſentment, by grand jury, for not keeping the ſame in good repair.

Liable to be profecuted by grand jury.

SEC. 6. *And it is hereby further enacted*, That if any perſon or perſons, ſhall cut, break down, or deſtroy ſaid turnpike gate, or ſign, or remove any earth, ſtone, or timber on ſaid road, to the damage of the ſame; or ſhall forcibly paſs, or attempt to paſs, by force, ſaid gate, without having firſt paid the legal toll at ſuch gate, ſuch perſon or perſons, ſhall pay all damages thereby ſuſtained by ſaid corporation, and forfeit and pay a fine not exceeding fifty dollars, nor leſs than one dollar, to be recovered by the treaſurer of ſaid corporation, to their uſe, in an action of treſpaſs on the caſe. And if any perſon, with his carriage, cattle or horſe, ſhall turn out of ſaid road, with an intent to paſs the turnpike gate, and again enter ſaid road, with an intent to evade the toll, ſuch perſon ſhall forfeit and pay three times ſo much as his legal toll would have been, to be recovered, as aforeſaid, for the uſe of ſaid corporation. *Provided*, nothing in this act ſhall extend to entitle ſaid corporation to demand and receive toll of any perſon who ſhall be paſſing with his horſe or carriage, to, or from public worſhip, or on militia duty, or, with his horſe,

Penalty for damaging the gate or road.

Fines, how collected.

Penalty for paſſing round the gate to evade the toll.

Perſons exempt from paying toll.

team or cattle, to, or from any grist mill or saw mill, or any other ordinary business of family concerns.

SEC. 7. *And it is hereby further enacted*, That the shares in said turnpike road shall be taken, deemed and considered personal estate, to all intents and purposes, and shall and may be transferable, in such manner as said corporation, by their bye-laws may establish. And when any share or shares shall be attached on mesne process, an attested copy of such process, with the officer's return thereon, shall be by such officer, left immediately with the clerk of said corporation, otherwise the attachment shall be void. And such shares may be sold on execution, in the same manner as is, or may be by law provided for the sale of other personal property, the creditor leaving an attested copy of the execution, with the officer's return thereon, with the clerk of said corporation, within fourteen days after such sale, and paying for recording the same. And such share or shares, so sold as aforesaid, shall, to all intents and purposes, vest in such purchaser.

Shares to be deemed personal property.

May be attached and sold on execution.

SEC. 8. *And it is hereby further enacted*, That there shall be a meeting of said corporation, on the first Monday in February next, at the house of *Elisha Sisson*, in *Barre* aforesaid, at ten of the clock in the forenoon, for the purpose of choosing a clerk,

First meeting when & where holden.

and ſuch other officers as may be deemed neceſſary by ſaid corporation. And the ſaid corporation may eſtabliſh ſuch rules and regulations as they ſhall judge proper for regulating the concerns thereof ;— *Provided* the ſame are not repugnant to the conſtitution and laws of this ſtate. And the ſaid corporation may, from time to time, eſtabliſh ſuch method of calling meetings, as they ſhall judge proper.

May eſtabliſh rules and regulations.

Proviſo.

SEC. 9. *And it is hereby further enacted*, That ſaid corporation ſhall have a right to divide ſaid road into as many ſhares as they may deem proper. And when any proprietor ſhall neglect or refuſe to pay any tax, duly aſſeſſed by ſaid corporation, to their treaſurer, within twenty days after the time appointed for the payment thereof, the treaſurer is hereby authoriſed to ſell, at public vendue, the ſhare or ſhares of ſuch delinquent proprietor, under ſuch regulations as ſaid corporation may, by their bye-laws, direct. And ſuch purchaſer, on producing a certificate of ſuch ſale, from the treaſurer, to the clerk of ſaid corporation, in the name of ſuch purchaſer, with the number of ſhares ſo ſold, it ſhall be, by the clerk, entered in the books of the corporation. And ſuch purchaſer ſhall, thereupon, be conſidered, to all intents and purpoſes, the proprietor thereof. And the overplus, if any there be, ſhall be paid on demand, by the treaſurer, to the perſon whoſe ſhare or ſhares ſhall have been ſo ſold, as aforeſaid.

Corporation may divide ſaid road into ſhares

Method of collecting taxes.

SEC. 10. *And it is hereby further enacted*, That the ſaid corporation ſhall, at the gate where the toll ſhall be collected, erect and keep conſtantly expoſed to view, a ſign or board, with the rates of toll fairly and legibly written, in large or capital letters.

Sign to be erected at the gate, with rates of toll thereon.

SEC. 11. *And it is hereby further enacted*, That at the expiration of twenty-five years from the completion of ſaid road, it ſhall revert to, and become the property of this ſtate. And the ſaid corporation ſhall, within one year after ſaid road is completed, make out a correct ſtatement of all the expenditures thereof, and preſent the ſame to the judges of *Orange* county court, to be by them approved; after which the ſame ſhall be immediately lodged in the office of the ſecretary of ſtate.

Duration of the corporation.

A ſtatement of expenditures to be lodged in Secretary's office.

SEC. 12. *And it is hereby further enacted*, That if the ſaid road ſhall not be completed in three years, to the acceptance of the judges of ſaid *Orange* county court, or the committee by them appointed, this grant ſhall be void.

Grant void if the road is not completed in 3 years.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 97.

An act laying a tax of two cents per acre on the town of *Duncanſborough*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of two cents per acre on all the lands in the township of *Duncansborough*, in the county of *Orleans*, public lands excepted, for the purpose of making and repairing roads and building bridges in said town; to be expended under the direction of *Jabez G. Fitch* of *Vergennes*, *Luther Chapin*, Esq. and *Amos Sawyer*, both of said *Duncansborough*, who are hereby appointed a committee to superintend the expenditure of said tax. And any justice of the peace, in the county of *Orleans*, is hereby authorised and directed to issue his warrant to *Joseph Marsh* of *Coventry*, in said county, who is hereby appointed a collector, to collect said tax. And said committee and collector are hereby directed in the collection, expenditure, and accounting for the monies to be raised by said tax, to conform themselves, in all things, to the directions of the general statutes of this state in that behalf made and provided.

Duncansboro' land tax.

Passed November 14, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary*.

Chapter 98.

An act in addition to an act entitled "*An act reducing into one, the several acts for*

laying out, making, repairing and clearing highways," passed March the third, one thousand seven hundred and ninety-seven.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That two thirds of the annual highway tax, laid on the several towns, at least, shall be collected, and two thirds of the work, at least, shall be done between the first day of May, and the first day of July; and the remaining part between the first day of September, and the first day of November, annually. And each person who shall work on the highway for the payment of such highway tax, shall be allowed as follows, to wit, if the work be done between the first day of May & the first day of July, at the rate of *seventy-five cents* per day; and if done between the first day of September & the first day of November, the rate of *fifty cents* per day; and if done on extraordinary occasions, between the first day of July and the first day of September *seventy-five cents* per day; and if done between the first day of November, and the first day of May, *fifty cents* per day.

Highway tax, when to be expended.

Price of labor on the highway tax.

SEC. 2. *And it is hereby further enacted,* That the select-men of the several towns in this state, in making up their annual highway tax, shall ascertain the number of polls, in their respective towns, between

Highway tax how assessed & proportioned.

the age of twenty one and ſixty years, and ſhall aſſeſs the tax of ſuch towns at the rate of four days work to each poll as aforeſaid, and ſhall eſtimate and apportion the ſame on the liſt of ſuch towns. And when it ſhall ſo happen, that the property of any perſon ſhall be liſted in any town other than that wherein ſuch perſon reſides, the liſt of ſuch non reſident ſhall be ſubject to its proportion of ſuch highway tax; and the ſame ſhall be collected and laid out, on the roads, in the diſtrict where the property ſo liſted and taxed lies. And the ſurveyors of ſuch diſtricts are hereby directed, to warn ſuch non-reſidents, to work out their reſpective taxes, by giving them perſonal notice, or by giving notice to their agents, who have the care of ſuch property, as the caſe may require. And ſuch property of non-reſidents as aforeſaid, ſhall be proceeded with, in the ſame manner, as though they were inhabitants of ſuch town.

Non reſidents to be taxed.

Tax of non-reſidents, how collected.

Sec. 3. *And it is hereby further enacted*, That when the inhabitants of any town in this ſtate, ſhall, in purſuance of the fifth ſection of the act to which this is an addition, raiſe, by tax, a ſum of money in addition to the annual high way tax, the inhabitants of ſuch town, at the ſame meeting, may direct in what manner, and in what place, ſuch money ſhall be laid out and expended. *Provided always*, That the ſelect men of ſuch town, ſhall

Inhabitants of towns to direct the expenditure of any additional highway tax.

Proviſo.

ſuperintend the expenditure of ſuch money as ſhall be directed to be expended for the building or repairing ſuch bridges as require mechanical labor.

SEC. 4. *And it is hereby further enacted*, That every town in this ſtate, through which a county or market road is or may be laid, ſhall be liable to be fined, for neglecting to keep in repair ſuch county or market highways, and bridges, in ſuch town, on indictment found by the grand jurors of ſuch county, in the diſcretion of the county court, to be holden in the county where ſuch town lies. And when ſuch indictment ſhall be found, as aforeſaid, the clerk of the court before which ſuch indictment ſhall be found, ſhall, on filing ſuch indictment, iſſue a citation to ſuch town, to appear at the next ſtated term of ſaid court, by their agent, or attorney, if they ſee cauſe, and defend againſt ſuch indictment, in behalf of ſuch town; which citation ſhall be directed to the ſheriff of the county in which ſuch indictment ſhall have been found, or his deputy; and ſhall be ſerved by leaving a copy of ſuch citation, with the town clerk of ſuch town, or at his laſt and uſual place of abode, at leaſt thirty days before the ſeſſion of ſaid court, to which ſuch citation is returnable. And after the return of ſaid citation, ſuch court may proceed to the trial of ſuch town, on ſuch indictment, either on the appearance of ſuch a-

Towns neglecting to repair roads may be indicted.

Method of proceeding in ſuch indictment.

gent or attorney, as aforesaid, or on default of such appearance, as they shall judge proper. And shall proceed to render judgment, and award sentence accordingly; and shall award execution against such town for fine and costs; which execution shall be levied and collected in the same manner as is directed by the fifth section of an act entitled "An act authorising the inhabitants of towns and other corporations to defend suits at law, and directing the mode of proceedings therein."

When to take effect.

SEC. 5. *Provided, and it is hereby further enacted,* That the preceding section shall not take effect, until from and after the first day of August next. And it is hereby made the duty of the select men of the several towns in this state, to cause this act to be publicly read, at the opening of their respective annual meetings, in March next.

Act to be read at March meetings.

Passed November 14, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 99.

An act incorporating certain persons therein mentioned, by the name of *Stamford Turnpike Company.*

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That

Bethuel Finney, *Shubael Willmarth*, and *Joſeph Hartwell*, junior, and ſuch other perſons as ſhall be aſſociated with them, and their ſucceſſors, and their heirs and aſſigns, ſhall be a body corporate, by the name of *Stamford Turnpike Company*; and by that name may ſue and be ſued; may purchaſe and hold property, not exceeding five hundred dollars; may have a common ſeal; and ſhall have and enjoy all the privileges which are incident to corporations, for the purpoſe of laying out, keeping in repair, and improving a turnpike road from the *Windham Turnpike Road*, near the weſt line of the town of *Reedſborough*, ſouthweſtwardly through *Stamford*, to the county road, on the *Maſſachuſetts* province line.

Incorporation of Stamford Turnpike Company.

Name of the Company.

Their powers.

Extent of the road.

SEC. 2. *And it is hereby further enacted*, That the judges of the county court of *Bennington* county ſhall nominate and appoint a diſintereſted committee, to lay out ſaid road, as will in their judgments beſt accommodate the public, and promote the general object & deſign of the corporation; which road ſhall be laid out at leaſt four rods wide, and the path for travelling ſhall be at leaſt eighteen feet wide. And the ſaid corporation may purchaſe, and hold the lands for ſaid road from the owners thereof; and if they cannot agree on the price of the ſame, the committee aforeſaid ſhall, at the expence of ſaid corporation appraiſe the damages done to any perſon

Bennington county court to appoint a committee to lay out ſaid road.

Width of the road.

Corporation may purchaſe lands for ſaid road.

Damages how aſcertained and paid.

or perſons by laying and making ſuch road through his or their lands, taking into conſideration the ſituation of ſuch lands, and every circumſtance attending the ſame; which ſum being paid by ſaid corporation, on demand, to the perſon owning or being in poſſeſſion of ſaid lands, ſhall forever diſcharge ſaid corporation from any action, on account of ſaid road being laid out and made as aforeſaid.—And if any perſon owning lands through which ſaid road may be laid, ſhall think himſelf aggrieved by the appraiſal of ſuch damages, by ſaid committee; or in caſe ſaid committee ſhall judge that no damages has accrued to ſuch perſon, in either caſe, the perſon aggrieved may appeal from ſuch appraiſal, to the next county court in the county of *Bennington*, and ſaid court are hereby authoriſed to hear, try and finally determine ſaid appeal, and iſſue execution accordingly: and if it ſhall be adjudged by ſaid court, that ſaid committee have appraiſed ſufficient damages, in that caſe the ſaid court ſhall award coſts againſt the perſon ſo appealing, and iſſue execution thereon.

Perſons aggrieved may appeal to C. Court.

Provided, no damage ſhall be paid to the owner of lands taken up by ſaid road, if the ſame ſhould not be improved lands; unleſs it clearly appears to the aforeſaid committee, that the damages he receives is more than equal to the benefit which will accrue to him, from the uſe of ſaid

Caſe in which no damages are to be allowed.

road : nor in caſes where ſaid road ſhall be laid on a road which ſhall have been previouſly laid out, opened and travelled.

Provided alſo, That it ſhall not be lawful for ſaid corporation to remove any houſe or building, in laying ſaid road ; nor to paſs it through an orchard that has been ſet out five or more years. Proviſo.

SEC. 3. *And it is hereby further enacted,* That when ſaid road ſhall be completed, and approved by the ſupreme court, or a committee to be by them appointed, it ſhall be lawful for ſaid company, to erect on ſaid road, one turnpike gate, and they ſhall be entitled to receive at ſuch gate, of each paſſenger, the ſame rate of toll, as the weſt gates of the *Windham Turnpike Company,* have by law eſtabliſhed to them in every particular. Corporation, when ſaid road is approved by S. Court, may erect one gate on the ſame. Rates of toll.

Provided, That the ſaid corporation, may if they ſee fit commute the rate of toll, with any perſon or perſons, taking of him or them, a certain ſum monthly, or annually, to be mutually agreed upon in lieu of the tolls aforeſaid. Corporation may commute the rate of toll.

Provided alſo, That no perſon ſhall be obliged to pay toll at ſaid gate, who ſhall be going to, or from public worſhip, or to, or from any griſt mill, or ſaw mill, or on military duty, or the ordinary domeſtic buſineſs of family concerns. Perſons exempted from toll.

Provided alſo, that ſaid corporation may from time to time, and at all times hereafter lower the rate of toll on all carts and waggons, whoſe fellies ſhall be at leaſt eight inches in width; or to allow them to paſs free from toll as ſaid corporation ſhall judge proper.

Cor. may lower the rates of toll on carts and waggons in certain caſes.

SEC. 4. *And it is hereby further enacted*, That the ſaid corporation, at any legal meeting, ſhall have power to divide ſaid grant into as many ſhares as they ſhall judge proper; and ſaid corporation ſhall have power to eſtabliſh the mode of transferring ſaid ſhares. And ſaid corporation ſhall have power at any ſuch meeting, to make bye-laws, not inconſiſtent with the conſtitution and laws of this ſtate, for the due regulation of their common concerns and intereſts.

May div. their grant into ſh'rs.

May make bye laws.

SEC. 5. *And it is hereby further enacted*, That the ſaid corporation ſhall at the ſaid gate where the toll ſhall be collected, erect and keep conſtantly expoſed to view, a ſign or board, with the rates of toll, of all tollable articles, fairly and legibly written thereon, in large or capital letters.

Shall erect a ſign board with the rates of toll written thereon

SEC. 6. *And it is hereby further enacted*, That if the ſaid corporation, or their toll gatherer, or any other perſon in the employment of ſaid corporation, ſhall unreaſonably delay or hinder any paſſenger, at ſaid gate, or ſhall demand or receive more

Penalty for delaying paſſengers.

toll than is by law directed, the ſaid corporation ſhall forfeit and pay a ſum not exceeding ten dollars, nor leſs than one dollar, to be recovered before any court proper to try the ſame. And ſaid corporation ſhall be liable to pay all damages, which may happen to any perſon from whom toll is demandable, which may ariſe from neglect of any bridge, or want of repairs on ſaid road, after the ſame has been made and approved, as in this act before provided; and ſhall be liable to preſentment by the grand jury for not keeping the ſame in good repair.

Corporation liable to pay all damages ariſing from want of repairs on ſaid road.

Liable to preſentment by g. jury.

Sec. 7. *And it is hereby further enacted*, That if any perſon or perſons, ſhall cut, break down, or otherwiſe deſtroy ſaid turnpike gate, or ſign, or remove any earth, timber or ſtones on ſaid road, to the damage of the ſame, or ſhall forcibly paſs, or attempt to paſs by force the ſaid gate, without firſt having paid the legal toll at the ſame, ſuch perſon or perſons ſhall pay all damages thereby ſuſtained by ſaid corporation, and forfeit and pay a fine not exceeding fifty dollars, nor leſs than one dollar, to be recovered by the treaſurer of ſaid corporation, to their uſe, in an action of treſpaſs on the caſe. And if any perſon with his carriage, cattle or horſe, ſhall turn out of ſaid road to paſs the turnpike gate, and again enter the ſaid road, with intent to evade the toll, due by virtue of this act, ſuch perſon ſhall forfeit and pay

Treſpaſſes on ſaid road, penalty for.

Fine how recovered.

Penalty for paſſing round the gate to evade the toll.

five dollars, to be recovered as aforeſaid, for the uſe of ſaid corporation.

Shares in ſaid road deemed p. property.

SEC. 8. *And it is hereby further enacted*, That the ſhares in ſaid turnpike road, ſhall be taken, deemed, and conſidered perſonal eſtate, to all intents and purpoſes; and ſhall and may be transferable in ſuch manner as the corporation by their bye-laws may eſtabliſh. And when any ſhare or ſhares ſhall be attached on meſne proceſs, an atteſted copy of ſaid proceſs, with the officer's doings therein, ſhall be by ſuch officer left immediately with the clerk of ſaid corporation, otherwiſe the attachment ſhall be void. And ſuch ſhares may be ſold on execution, in the ſame manner as is, or may be by law provided, for the ſale of other perſonal eſtate, the creditor leaving an atteſted copy of the execution, with the officer's return thereon, with the clerk of ſaid corporation, within fourteen days after ſuch ſale, and paying for recording the ſame; and ſuch ſhare or ſhares, ſo ſold as aforeſaid, ſhall to all intents and purpoſes, veſt in ſuch purchaſer.

May be attached on meſne proceſs.

May be ſold on execution.

Corporation to provide a watering trough.

SEC. 9. *And it is hereby further enacted*, That the ſaid corporation ſhall provide and keep conſtantly affixed, at ſome convenient place by the ſide of ſaid turnpike road, a ſuitable trough, with a ſufficiency of water therein, to water the cattle and horſes of the paſſengers travelling ſaid road.

SEC. 10. *And it is hereby further enacted,* That the first meeting of said corporation shall be holden at the house of *Shubael Willmarth*, innkeeper in Stamford, on the second Tuesday of March next, for the purpose of chooſing such officers as may be necessary, and for transacting any other business which the said corporation by this act are empowered to transact for the regulating the concerns thereof. And said corporation may then and there agree on the mode of calling any future meeting of said corporation, and the same mode from time to time alter, as the said corporation may judge expedient.

First meeting when & where holden.

Corpor. may agree on the mode of calling future meetings

SEC. 11. *And it is hereby further enacted,* That it shall be the duty of said corporation, after one year from the completion of said road, to deliver to the Secretary of this State, an account of the expences of making the same.

An account of the expences of making sd. road to be delivered to the Secretary of State.

SEC. 12. *And it is hereby further enacted,* That after the term of thirty-five years, from the completion of said road, the property of said road shall vest in this state, and be at the disposal of the Legislature.

Duration of the corporation

Provided, That if said corporation shall not complete said road, to the acceptance of the supreme court, or a committee to be by said court appointed, within the term of five years from the passing of this

Road to becompleted in five years, or the grant void.

act, this grant shall be void, and the said company shall take no benefit of this act.

Passed November 14, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 100.

An act laying a tax of one cent per acre on the town of *Stow*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of one cent per acre on all the lands in the township of *Stow*, in the county of *Chittenden*, public lands excepted, for the purpose of making a public road through said town, leading from *Middlesex* to *Cambridge*; to be expended under the direction of *William Utley*, *Clement Moody* and *Samuel Butts*, junior, all of said *Stow*, who are hereby appointed a committee to superintend the expenditure of said tax. And any Justice of the Peace, within and for the county of *Chittenden*, is hereby authorised and directed, to issue his warrant to *John Seabury*, of said *Stow*, who is hereby appointed a collector to collect said tax. And said committee and collector are hereby directed, in the collection, expenditure and accounting for the monies to be raised by said tax, to conform

Stow land tax.

themſelves, in all things, to the directions of the general ſtatutes of this ſtate, in that behalf made and provided.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 101.

An act laying a tax of three cents per acre on *Coventry Gore*, lying between *Duncanſborough* and *Kelly's Grant* number two.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre, on all the lands in *Coventry Gore*, lying between *Duncanſborough* and *Kelly's Grant* number two, in the county of *Orleans*, public lands excepted, to be expended in making the road called the county road, lately laid from *Troy*, alias *Miſſiſquoie*, to the north line of *Greenſborough*, under the direction of *Joſiah Lyon* and *David Manuel*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Orleans*, is hereby authoriſed and directed, to iſſue his warrant to *Thomas Tolman*, of *Greenſborough*, who is hereby appointed a collector to collect ſaid

Land tax on Coventry Gore.

tax. And the ſaid committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to govern themſelves, in all things, agreeably to the directions of the general ſtatutes of this ſtate, in that behalf provided.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 102.

An act in addition to, and amendment of an act entitled "*An act appointing a committee to lay out and ſurvey a public road, from* Berkſhire *to* Brandon, *or a direct communication from the north to the ſouth part of this ſtate,*" paſſed the twelfth day of November, A. D. one thouſand eight hundred and two.

Preamble.

WHEREAS the committee, appointed in the aforeſaid act, did not, in every reſpect, complete the ſurvey of ſaid road, within the time therein mentioned. And whereas it is thought neceſſary, that ſome ſmall alterations in ſaid road ſhould be made—

Therefore,

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the ſaid committee be veſted with full

power to survey, alter, and finish the laying of said road, at any time previous to the first day of June next. And their doings shall be valid, as though the same had been done within the time set forth in the above act.

Passed November 14, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 103.

An act laying a tax of three cents per acre on the town of *Troy*, alias, *Missiskouie.*

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the town of *Troy*, alias *Missiskouie*, alias *Avery*'s *Grant* and *Kelly*'s *Grant*, in the county of *Orleans*, public lands excepted, for the purpose of making and repairing roads and building bridges in said town; to be expended in the following mannner, to wit, Fifty dollars of said tax to be laid out in making a road leading from *Westfield* to the county road lately laid from said *Troy* to the north line of *Greensborough*, and the remainder of the monies of said tax, on the said county road, under the direction of *Stephen Underhill*, *Curtis Elkins* and *Eleazer Porter*, who are hereby ap-

Land tax on Troy, alias Missiskouie, alias Avery's Grant & Kelly's Gr't.

pointed a Committee to ſuperintend the expenditure of ſaid tax. And any Juſtice of the Peace, within and for the county of *Orleans*, is hereby authoriſed and directed to iſſue his warrant to *Jeſſe Olds* of *Weſtfield*, who is hereby appointed a collector to collect ſaid tax. And the ſaid committee and collector are hereby directed, in the collection, expending and accounting for the monies to be raiſed by ſaid tax, to govern themſelves, in all things, agreeably to the directions of the general ſtatutes of this ſtate, in that behalf made and provided.

Paſſed November 14, 1803.

A true Copy.

Attaſt, DAVID WING, Jun. *Secretary*.

Chapter 104.

An act laying a tax of Three Cents per acre on the town of *Lutterlock*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the township of *Lutterlock*, in the county of *Orleans*, public lands excepted, for the purpoſe of making and repairing roads and building bridges in ſaid town; to be expended in the following manner, to wit, one hundred and fifty dollars of ſaid tax

Lutterlock land tax.

to be laid out on the road leading from Craftſbury to Montgomery, and the remaining ſum of ſaid tax, on the road lately laid from Troy or Miſſiskouie, to the north line of Greenſborough, under the direction of *Timothy Stanley*, *Benjamin Neil*, and *Eleazer Cobb*, of ſaid Lutterlock, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any juſtice of the peace, within and for the county of *Orleans*, is hereby authoriſed and directed to iſſue his warrant to *Samuel C. Crafts*, of Craftſbury, who is hereby appointed a collector to collect ſaid tax. And ſaid committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies to be raiſed by ſaid tax, to govern themſelves, in all things, conformably to the directions of the general ſtatutes of this ſtate in that behalf made and provided.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 105.

An act empowering the ſheriff of *Orleans* county to provide one or more gaols in ſaid county.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That

the ſheriff of the county of *Orleans*, by and with the conſent and approbation of the judges of the county court of ſaid county, is hereby authoriſed to provide one or more ſuitable houſes in ſaid county, which ſhall for the time being, be deemed and conſidered common gaols, or priſons, for the commitment of perſons on civil actions, who by law are admiſſible to bail, in as full and ample a manner and ſubject to the ſame rules and regulations, as are preſcribed for common jails, or priſons, by an act entitled "An act relating to gaols and gaolers, and for the relief of perſons impriſoned therein," paſſed the ſeventh day of March, A. D. one thouſand ſeven hundred and ninety ſeven.

Sheriff of Orleans county empowered to paovide one or more Gaols in ſaid county.

SEC. 2. *Provided neverthelefs, and it is hereby further enacted*, That the ſheriff ſhall have power, and he is fully authoriſed, in all caſes where any perſon or perſons may be committed to either of the jail-houſes, ſo to be provided by this act; and ſuch perſon or perſons ſhall neglect or refuſe to procure ſuch bail as ſhall be ſatisfactory to the ſheriff, the ſheriff in all ſuch caſes ſhall have power to proceed in the commitment of ſuch perſons to any other jail where by law he heretofore had power to commit, any thing in this act to the contrary notwithſtanding.

Perſons committed to ſaid Gaols refuſing to procure bail, may be committed elſewhere.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 106.

An act empowering the adminiſtrators on the eſtate of *George Trumbull*, to ſell certain lands.

WHEREAS it appears to this Legiſlature, that it would be beneficial to the creditors, and the heirs of George Trumbull, *late of* Ticonderoga, *in the ſtate of* New-York, *deceaſed, to allow the adminiſtrators on ſaid eſtate, to ſell ſuch lands as they ſhould think proper, lying within this ſtate, and belonging to the ſaid eſtate—* Preamble.

Therefore,

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the adminiſtrators on the eſtate of *George Trumbull*, late of *Ticonderoga*, in the ſtate of *New-York*, deceaſed, be, and they are hereby authoriſed and empowered, with the advice, and under the direction of the Judge of Probate, of the diſtrict in which ſuch real eſtate is ſituate, to ſell ſo much of the lands & real eſtate, belonging to the eſtate of the ſaid *George Trumbull*, deceaſed, ſituate within this ſtate, as they ſhall judge will be beneficial to the creditors, and the heirs of the ſaid deceaſed. And deeds made and executed by virtue of this act, by the ſaid adminiſtrators, to the purchaſer or purchaſers of ſuch lands or real eſtate, ſhall be good and valid in law. Admin'r of Geo. Trumbull empowered to ſell lands.

Provided nevertheleſs, That before the

ſaid adminiſtrators, or either of them, ſhall make ſale of any of the ſaid lands, or real eſtate, he or they ſhall enter into bonds to the creditors, and to the heirs of the ſaid eſtate, to be taken and preſerved by the Judge of Probate of the diſtrict, in this ſtate, in which ſuch lands or real eſtate is ſituate, in ſuch ſum, and with ſufficient ſureties, as the ſaid Judge ſhall direct, conditioned, that he, or they, the ſaid adminiſtrator or adminiſtrators, ſhall make ſuch ſales, according to his or their beſt judgment, for the advantage and benefit of the ſaid creditors and heirs, and, to the ſame advantage and benefit, diſpoſe of, and account for, the monies and avails of all and every of ſuch ſales.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 107.

An act directing the Treaſurer to pay to the Engroſſing Clerk, annually, for the blanks by him furniſhed for the ſorting and counting the votes, on the day of election, the ſum therein mentioned.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Treaſurer be, and he is hereby direct-

ed to pay to the Engroſſing Clerk, annually, for the blanks by him already, or which he ſhall in future furniſh, for the ſorting and counting of the votes of the ſtate, on the day of election, ſeven dollars and fifty cents, for which, the receipt of the ſaid Engroſſing Clerk, ſhall be his voucher.

Treaſurer directed to pay to the engroſſing clerk certain ſums of money.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 108.

An act laying a Tax on the County of *Windſor*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax on the inhabitants of the county of *Windſor*, *of one mill on the dollar*, on the liſt of the polls and rateable eſtate, for the year one thouſand eight hundred and three; to be paid into the treaſury of ſaid county by the firſt day of May next, in orders drawn by the county court of ſaid county, or in dollars and cents.

Land tax of one mill on the dollar in the county of Windſor.

SEC. 2. *And it is hereby further enacted*, That the treaſurer of the ſaid county, and the firſt conſtables of the ſeveral towns in ſaid county, ſhall have, and they are here-

by respectively vested with the same powers, in issuing warrants and extents, and in making collection of said tax, as is by law given to the treasurer of the state, and to the said first constables in the collection of a state tax.

Treasurer and constables' power.

Passed November 14, 1803.

A true Copy.

Attest, DAVID WING, Jun. *Secretary.*

Chapter 109.

An act making the necessary appropriations for the support of government during the present session; and for other purposes.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be paid out of the treasury of this state the following sums of money, to wit. For the debenture of the Lieutenant-Governor, the Council, and the contingent expences thereof, the sum of nine hundred and ninety-five dollars and ninety-four cents. For the debenture of the General Assembly, and the contingent expences thereof, including the debenture of the Auditor of accounts against this State, the sum of eleven thousand four hundred and twenty eight dollars and thirty-nine

Treasurer directed to pay the debenture of Governor & Council, &c. 995 94.

Debenture of General Assembly, &c. 11,428,39.

cents; amounting in the whole to the ſum of twelve thouſand four hundred and twenty-four dollars and thirty-three cents.

SEC. 2. *And it is hereby further enacted*, That a ſum not exceeding ſix thouſand dollars, be, and the ſame is hereby appropriated, for the purpoſe of paying ſuch demands againſt this State, as may be allowed by the Auditor of accounts; as well as for the payment of ſuch orders as may be drawn by, or under the direction of the ſupreme court; which ſeveral demands and orders, the Treaſurer is hereby directed to pay out of any monies in the Treaſury of this State.

Appropriation to pay auditors and ſupreme court's orders. 6,000.

Paſſed November 14, 1803.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

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